aldis 1258
Scotland. Laws, Statutes, etc. Session laws.

THE LAVVES AND ACTS OF PARLIAMENT,

Made by the moſt Excellent and Mighty King and Monarch,

JAMES

By the grace of God, King of Great BRITAINE, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Since His Majeſties XV. Parliament, the XIX. of December, 1597.

Collected, Reviſed, and Extracted forth of the Regiſter of His Highnes Kingdome of SCOTLAND.

With a Table of the principall matters conteined therein.

J. R.

Blume of Polwart

Omne tulit punctum
Qui miscuit utile dulci.

Reprinted at Edinburgh by *Evan Tyler*, Printer to the Kings moſt Excellent Majeſtie. 1647.

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THE LAWES AND ACTS OF PARLIAMENT,

Made by the most Excellent and Mighty King and Monarch

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THE SIXTEENTH PARLIAMENT OF *KING JAMES THE SEXT:*

Holden at *Edinburgh* the 15. day of November, the year of God 1600.

The fifth day of Auguſt is appointed for giving yearly ſolemne thanks to God.

CHAP. I.

FOrſameikle as the Eſtates of this Realme, acknowledging that ſingular benefite, grace and favour of God, beſtowed upon them by his miraculous and extraordinary preſervation of their moſt gracious Soveraigne from the horrible and deteſtable murther and parricide attempted againſt his Majeſties moſt noble Perſon, by umwhyle *John* Earle of *Gowrie*, and umwhyle Maſter *Alexander Ruthven* his brother, upon the fifth day of Auguſt laſt bypaſt: And that it becommeth them with moſt humble and thankfull hearts, to give unfained and daily praiſe to their mercifull God, for the ſafety of every one of themſelves, and of the haill body of this Commonwealth, preſerved from wrack and utter confuſion, by the miraculous and bountifull deliverance of his Majeſty from the ſaid Treaſon in manner foreſaid: Therefore our Soveraigne Lord with advice and conſent of the haill Eſtates, Statutes and Ordains, that in all times and ages to come, the fifth day of Auguſt, ſhall yeerly be appointed and keeped in all the Presbyteries and Parochins within this Realme and bounds of his haill Dominions, for publick preachings, prayers, and ſolemne thankſgiving to God for his great mercy and favour granted to this Realme, and every member thereof, by his Majeſties gracious and miraculous preſervation, as ſaid is, upon the ſaid day. And a perpetuall monument of their moſt humble, hearty and unfained thanks to God for the ſamine. And that all work, labour, and other occupations, whilk may in any wiſe diſtract the people from the ſaids godly exerciſes, and thankſgiving yearly, upon the day foreſaid, ſhall be forborne and abſtained from. And that all Judges Civill and Eccleſiaſticall, ſhall cauſe the ſamine to be univerſally obſerved, every one of them, within the bounds of their own juriſdiction; and ſee the contraveeners thereof puniſhed according to the quality of their tranſgreſſion.

Act of annexation of the forefaulted lands, and others to the Crown.

CHAP. II.

FOrſameikle as it is clearly underſtood by the Kings Majeſty, and Eſtates of this Realme, that the augmentation of the Patrimony and Revenues of the Crown thereof, not onely ſerves for the forth-ſetting and maintenance of his Highnes honour and royall

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eſtate, but alſo relieves greatly his Subjects of divers charges and heavie burdens. Therefore our ſaid Soveraigne Lord, following the commendable examples of his moſt Noble Progenitors, with advice and conſent of his Majeſties Eſtates, unites, annexes, and incorporates to his Highnes Crowne, therewith to remain perpetually, and inſeparably in all time coming, the Lands, Lordſhips, Baronies, Abbacies, and others underwritten, which may neither be given in frank-tenement, fee, or otherwiſe to any perſon of whatſoever eſtate or degree, without advice, decreet and deliverance of the haill Parliament, and for great, reaſonable, profitable and ſeen cauſes, concerning the welfare of the Realme, firſt to be adviſed and digeſtly conſidered by the whole Eſtates. And albeit it ſhall happen our ſaid Soveraigne Lord, that now is, or any of his Succeſſours, Kings of *Scotland*, to annalie or diſpone the ſaids Lands, Lordſhips, Baronies, Abbacie, or others under-written, with their pertinents preſently annexed to the Crown, as ſaid is, or any patt thereof, that the ſaids alienations ſhall be null and of none availl; and that it ſhall be leſome to the King for the time, or his Succeſſours, to receive the ſaids Lands, Livings, Abbacie, and others foreſaids, with the pertinents, to their own uſe, when ever it ſhall pleaſe them, without any proceſſe of law, and the takers ſhall refound and pay all profits that they have taken up of the ſaids Lands, and others foreſaids to the King, for all the time that they have had them, with ſuch other reſtrictions as are conteined in the Acts of Parliament, made by his Majeſty and his noble Progenitors, Kings of *Scotland*, in their annexations to the Crown. Whilks haill former Acts of annexation, and all and ſundry articles, proviſions and reſtrictions therein conteined, are holden as repeated, and ſpecially expreſſed and comprehended in this preſent Act. Theſe are the names of the lands and others with the pertinents preſently annexed to the Crown: All and haill the Lands, Earledome, Lordſhip and Baronie of *Gowrie* and *Scoone*: All and haill the Lands, Lordſhip and Baronie of *Ruthven*, *Ballerno*, *Newtown*, *Kowgask*, *Strathbrane*, *Glenſchie* and *Trochrie*: All and haill the Lands, Lordſhips, Baronies, Teinds, Commodities and Rents whilks pertained to the Abbacie and Monaſterie of *Scoon*, with all and ſundry the Lands, Lordſhips, Baronies, Mylnes, Moulters, Schawes, Woods, Parks, Fiſhings, Townes, Villages, Burrowes of Regalitie or Baronie, Tenements, Annualrents, Reverſions, Cuſtomes, Few-ferms, Places, Houſes, Buildings, Caſtles, Towres, Manor-places, Out-ſets, Yards, Orchards, Kirks, Teinds, Advocation, Donation, and right of Patronage of Kirks, Hoſpitals, Chaplenries and Prebendaries, Tenents, Tenendries, and ſervice of free-tenents, Profits, Emoluments, Commodities and Pertinents whatſomever of the ſamine Lordſhips, Baronies, Lands, Abbacie, Benefices, Patronages, Teinds and others particularly above-mentioned, or any part thereof. All and haill the Tenement and Lodging in *Perth*, whilk perteined to umwhyle *Iohn* Earle of *Gowrie*, with the Yards and others pertinents perteining thereto: With all and ſundry other Lands, Lordſhips, Baronies, Benefices, Rents and Poſſeſſions whilks perteined either to the ſaid umwhyle *Iohn*, ſometime Earle of *Gowrie*, or to his predeceſſors, to whom he was heir, or appearand heir, or to whilks any wyſe he might have ſucceeded, or have had right to, or was poſſeſt by him by the ſpace of five years, before the committing of the crimes of Treaſon, for the whilks his memory and poſterity are fore-faulted, and declared unhabile and incapable to bruke and poſſeſſe Lands, Heritages, Benefices, Offices or others Dignities or Commodities within this Realme, and now perteining to our ſaid Soveraigne Lord, and being in his Highnes hands by reaſon fore-ſaid. Attour, our ſaid Soveraigne Lord, with advice foreſaid, ſuppreſſes and aboliſhes the Regalities and heritable Offices perteining to the ſaid *Iohn* Earle of *Gowrie*, or his predeceſſors, or whilks were annexed to any of the Lands, Lordſhips, and others foreſaids, and unites, annexes, and incorporates the ſamine to his Highnes Royaltie, therewith inſeparably to remain in all time coming. And Ordains his Comptroller preſent and to come, to intromet with, up-lift, and diſpone upon the haill Rents, Profites and Commodities of all and ſundry the Lordſhips, Baronies, Lands, Teinds, Rents, Revenewes, Profits, Commodities, and others whatſomever above-ſpecified, to his Highnes proper uſe, and entertainment of his Highnes houſe, and other honourable charges belonging to the ſaid Office in all time coming.

Regalitie.

Finally,

Finally, our ſaid Soveraigne Lord, with advice and conſent foreſaid, unites all and ſundry the Lands, Lordſhips, Baronies, Benefices, and others particularly above-mentioned, annexed to his Highnes Crown, as ſaid is, to the ſaid Lordſhip of *Ruthven*, now and in all time coming, to be called the Lordſhip and Stewartrie of *Huntingtoun*, and the Tenents Inhabitants and Poſſeſſors thereof, to be anſwerable to his Highnes Stewart of the ſaid Lordſhip united, as ſaid is, with ſik Freedomes, Priviledges and Liberties as are any wyſe competent to any Stewartry of his Highnes propertie, or to the Tenents and Indwellers of any of his Highnes proper Lands within this Realme. Exceptand alwayes and reſervand forth of this annexation, all and haill the third part of the Lands and Baronie of *Dirlton*, with the Towre, Fortalice, Manor-place thereof, Brabrother-park, Hiefield, Menſles and Menſleſmore, the town and lands of *Dirlton*, whilks were appryſed by umwhyle Maſter *Adam Otterburne*, and redeemed by umwhyle Dame *Iean Halyburnton*, with mylnes, moulters, cunnings, cunningers, fiſhings alſwell in ſalt water as in the freſh, with the advocation and donation of the Proveſtrie of *Dirlton*, with the tennents, tennendries, and ſervice of free tennents, of all and haill the Lands and Baronie of *Dirlton*, with all the pertinents thereof. The third part of the Lands and Barony of *Bolton*, with mylnes, moulters, tennents, tennendries, and ſervice of free tennents, of all and haill the ſaids Lands and Baronie of *Bolton*, with the pertinents. The third part of the Lands and Baronie of *Haſsinden* and *Halyburnton*, mylnes and moulters thereof, advocation and donation of the Chaplenrie of *Halyburnton*, with all their pertinents, with tennents, tennendries, and ſervice of free tennents. Of all and haill the Lands and Baronie of *Halyburnton*, with all pertinents. All and hail the ſuperioritie and tennendries of the half lands and Baronie of *Ballegernoch*, with the pertinents. All and hail the third part of the Lands and Baronie of *Abernytie*, with the mylnes, moulters, mylne-lands, wake-mylnes thereof, tennents, tennendries, and ſervice of free tennents of the ſamine. All and hail the third part of the half Lands of *Forgundeny*, with the mylnes, moulters, mylne-lands, tennents, tennendries, and ſervice of free tennents of the ſaids half lands and Baronie, advocation and donation of the Chaplenry of *Forgundeny*, with the pertinents. All and hail the third part of the lands and Baronie of *Segie*, with mylnes, moulters, mylne-lands thereof, tennents, tennendries, and ſervice of free tennents. Of all and hail the ſaids Lands and Baronie of *Segie*, with all and ſundry parts, pendicles and pertinents, annexes and connexes, of all and ſundry the ſaids lands and others *reſpective* above-written. Whilks Lands, Baronies, and others *reſpective* above-ſpecified, are ordeined by his Majeſtie and Eſtates, to be diſponed heritably to his Highnes familiar and domeſtick Servitor, Sir *Thomas Erskine* of *Gogar* Knight, for great, ſeen and reaſonable cauſes of the Realme. And are declared no wayes to be comprehended under this preſent annexation, nor no clauſe nor condition thereof. As likewiſe exceptand and reſervand forth and fra the ſaid annexation, all and hail the lands and teinds of *Cowſland*, with all and ſundry their pertinents: whilks lands and teinds, with their hail pertinents, are likewiſe ordeined by his Majeſtie and Eſtates, to be diſponed heritably to his Majeſties faithfull and truſtie Servitour Sir *Hew Heries* Knight, for great, ſeen, profitable and neceſſar cauſes of the Realme, at lenth expreſſed in the ſaid Sir *Hewes* infeftment and ſecurity of the ſaids lands and teinds granted to him in this preſent Parliament whilks are halden as ſpecially expreſſed herein. And ſiclike exceptand and reſervand forth of this preſent annexation, the yearly penſion of twenty chalders victuall, thereof ten chalders ten bols Beere; nine chalders ſex bols meill, to be yearly up-lifted and tane by the ſaid Sir *Hew Heries*, his heires and aſſignayes, forth of the beſt and readieſt payment of the hail fruits, rents, mailes, ferms, kaynes, cuſtomes, and others duties whatſomever of the Lands and Lordſhip of *Scoone* and *Gowrie*, ay and while the infeftment of the lands and Baronie of *Cowſland* may take full effect, by poſſeſſion in their perſons, either by deceaſe of Dame *Dorothie Stewart*, Counteſſe of *Gowrie*, or by the eviction of the ſaming lands and Baronie of *Cowſland* from her by the law. And how ſoon the ſaid Sir *Hew Heries* or his foreſaids, ſhal happen to recover and to enjoy all and hail the ſaids lands and Baronie of *Cowſland*, and teinds thereof, that then the ſaid letter of penſion to remain

Union.

remain with his Highnes Crown for ever. As also, exceptand and reservand forth and from this present annexation, all and hail the lands of *Nether-leiff*, teinds, few-farmes, arage, cariage, and all others duties and service whatsomever addetted to be payed forth of the samine of before, to the Earles of *Gowrie*, or to the Commendators and Convent of *Scoone*, or either of them. As als all and hail the town and lands of *Durdy-Inglis*, *alias* called *Nether-Durdy*, teinds, few-farms, arage, cariage, and all others duties and service whatsomever addetted to be payed forth of the samine of before to the saids Earles of *Gowrie*, or to the saids Commendators and Convent of *Scoone*, or either of them. To the effect that his Majestie may give and dispone the saids lands of *Nether-leiff*, teinds, few-terms, arage, cariage, and all others duties of the samine to *George Hay* of *Nether-leiff*, his heires and assignayes whatsomever, heritably or otherwise, and the foresaid town and lands of *Durdy-Inglis*, *alias* called *Nether-Durdy*, teinds, few-terms, arage, cariage, and all others duties thereof, to Master *Peter Hay* of *Durdy*, his heires and assignayes whatsomever, heritably or otherwise, in sik forme and manner as best shall please his Majestie.

Attour his Majesty, with advice foresaid, Declares and Ordeins, that this present annexation of the Lordship and Abbacie of *Scoone* to the Crown, shall no wise be hurtfull nor prejudiciall to the yearly pension of ten chalders victual, granted or to be granted by his Highnes to Master *Patrick Galloway* forth thereof, during all the dayes of his lifetime, conform to his gift of pension, and special assignation thereof, made or to be made thereupon. Whilk his Highnes, with advice and consent foresaid, Ratifies and Approves in all points, & Ordeins, if need be, that the samine gift be at length insert in the Books of Parliament, for the said Master *Patrick* his better securitie, declaring that the said annexation shall not be effectuall, but shall be suspended, enduring the life-time of the said Master *Patrick*, in so far as concernes the saids teinds, disponed or to be disponed to him in manner foresaid allanerly. And sicklike exceptand and reservand forth of this present annexation of the Earledome and Living of *Gowrie*, to his Highnes Crown, all and hail the lands of *Craigtoun*, with the teinds thereof, and the teind-shawes of the lands & town of *Gowkstoun*, *Rybnes*, *Segiden*, *Pitscindie*, nether *Kinfawnes*, over *Kinfawnes*, *Byn*, and *Tillibow*, with their pertinents lyand within the Parochin of *Kinfawnes*, the teind-fish of the fishing of *Craigtoun*, *Incherrisleiplat*, *Sobriknodap*, the *Cruike*, and all others teind-fishings perteining to the Abbay of *Scoone*, from the wood of *Kinnowl* to *Incherry*: to the effect that our said Soveraigne Lord may give & dispone the samine to *John Lindesay*, *alias Charteris*, eldest son and appearand heir to *Henry Lindesay*, *alias Charteris*, Feer of *Kinfawnes*, his heires and assignayes, to be halden of his Highnes, according to the condition and manner of halding, as the samine was halden of before, of the Earles of *Gowrie*, or Abbots of *Scoone*: and for the samine self-dutie, whilks the saids lands and teinds was in use to pay to the Earles of *Gowrie*, or Abbots of *Scoone*, before the making of this present Act.

Act in favours of the Vassals of the Earledome of Gowrie.

CHAP. III.

OUR Soveraigne Lord, and haill Estates of this present Parliament, remembring the good and notable Act, made in his Majesties Parliament, halden at *Striveling* in the Moneth of August, the year of God 1571. years, in favors of his Highnes true & faithfull Subjects, for bruiking of their lands, heritages, annual-rents, life-rents, pensions or possessions whatsomever halden of any person, called and forefaulted in the said Parliament, notwithstanding the forfaulting of their Superiours thereof. And his heighnes now being willing and fullie resolved to renew the foresaid act, and to grant the benefite and favour therein contained, to all his faithfull and true subjects, who or their predecessours to whom they are heirs, at the least appearand heirs, albeit as yet not entred, held lands, heritages, annuelrents, lyfrents, mylnes, woods, fishings, or other possessions whatsomever, of umwhyle *John* sometime Earle of *Gowrie*, or any of his predecessours. Therefore our

said

ſaid Soveraigne Lord, with advice of the ſaids Eſtates and whole body of this preſent Parliament, Statutes, Ordeins and Declares; that all his Highnes faithful and true ſubjects, their heires and ſucceſſours, being nowiſe culpable of the abominable and horrible crimes of treaſon and leeſe-Majeſty, attempted by the ſaid umwhyle *Iohn*, ſometime Erle of *Gowrie*, againſt his Grace, moſt noble Perſon, ſhall bruike and poſſeſſe all their landis, heritages, woods, mylnes, fiſhings, annual rents, liferents, tacks, rentals and poſſeſſions whatſomever, halden by them or their predeceſſours of the ſaid umwhyle *Iohn*, ſometime Erle of *Gowrie*, or his predeceſſours, and hald the ſamine of our ſaid Soveraigne Lord, his Highnes ſucceſſours and others, their next immediat ſuperiours, their heires and ſucceſſours, conform to their infeftments, rights and ſeaſines thereof in all points. Siclike and als freely in all reſpects, as if the proceſſe and doome of forfaultrie had never been led, deduced, nor pronounced againſt the ſaid *Iohn*, ſometime Erle of *Gowrie*, in his preſent Parliament. And als notwithſtanding the Act made in his Highnes Parliament halden at *Edinburgh* the 8. day of June, the yeir of God 1594 yeires, annulling the Acts of Parliament made in favours of vaſſals of perſons forefaulted. To the whilk Act, and all others acts, ſtatutes, or conſtitutions, made at any time of before, and made or to be made, in this preſent Parliament, thir preſents makes & ſhall make full derogation, and that allanerlie in favours of the ſaids perſons, who, or their predeceſſours held lands, heritages, and others foreſaids of the ſaid umwhile *Iohn*, ſometimes Erle of *Gowrie*, or his predeceſſours, as ſaid is; The foreſaids vaſſals, and every ane of them payand to his Majeſtie, and his ſucceſſours, or any others their next immediat ſuperiours, for ilk twentie ſhilling land, whilk they held of before of the ſaid Erle of *Gowrie*, ten pounds money of this Realme betwixt and Whitſunday next to come, for compoſition.

Anent invading and purſuing of Counſellers.

CHAP. IV.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, underſtanding that diverſe of the Lords of his Highnes Secret Counceil and Seſſion, and others of his Highnes Officiars, for the diſcharge of their bounden dutie in his Highnes ſervice, incurres the hatred, indignation, malice and feed of ſundry perſons, who often-times quarrels them without any juſt cauſe. Therefore, Statutes and Ordeins, that whatſomever perſon in time-coming, invades or purſues any of his Highnes Seſſion, Secret Counceil, or any his Highnes Officiars, it being verified and tryed, that any of the ſaids Counſellers, Seſſioners and Officiars, was purſued and invaded for doing of his Highnes ſervice, ſhall be puniſhed to the death.

Anent purpriſion in the Kings Commonties.

CHAP. V.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, conſidering that his Highnes, and his Highnes Predeceſſours, for the help and relief of his poore Commons, in diverſe parts of this Realme, have reſerved great quantity of Moores, and others common lands, nowyſe diſponed in propertie to any particular perſon. Notwithſtanding whereof diverſe perſons, hes riven out, parked, tilled, ſawne, and laboured great portions of the ſamine commonties, without any right of propertie competent to them, to the prejudice of his Heighnes, and utter wrack of the poore tennents and commons of this Realme. Therefore, Statutes and ordeines that all perſons, who hes tilled, laboured ſawne, parked, incloſed, or appropriat any part or portion of his Majeſties common Moores, or others Commonties, belonging to his Highnes, within the memory of man; the ſamine being tryed, either by way of moleſtation, or by the Lords of the Seſſion, that they within year and day, after the ſaid tryall, lay in the ſamine Commonties again: to the effect the ſamine may remain unlaboured or parked in any time thereafter; but to remain as Commonrie, ſiclike and in the ſamine manner as it was before the ryving out or

parking

parking thereof. And gif they faile to do the famine, within the ſpace foreſaid, lawfull tryall being tane therein, as ſaid is, they ſhall be decerned to have committed purpriſion. And ſiclike, our ſaid Soveraigne Lord, and Eſtates foreſaids, Statutes and Ordeines, that whaſoever in time-comming, ſhall till, labour, manure, ſaw, parke, inclooſe, or appropriat any part or portion of his Majeſties common Moores, or others his Highnes Comunities. (The famine being ſufficiently tryed in manner foreſaid) ſhall be alſo decerned to have committed purpriſion, and punished therefore conforme to the lawes, uſe and conſuetude of this Realme, obſerved of auld in matters of purpriſion.

Anent Bearers and Shooters with Hagbuts and Piſtolets.

CHAP. VI.

OUR Soveraigne Lord underſtanding that calling and puſuing of Bearers, Wearers and Shooters with Hagbuts and Piſtolets and others Ingynes of fire-work before his Juſtice & his Deputes, breeds ſic trouble to parties and aſſiſours, and ſic difficultie in the tryall, that often-times innocent perſons are thereby vexed, and ſic as are guilty eſchews their due punishment, by declining of the aſſiſours, that beſt knawes the veritie of the fact, and other ſic ſubterfugies and delayes of lawfull tryall. For remeed whereof, his Highnes with advice and conſent of his Eſtates of Parliament, ſtatutes & ordeins, that the bearers & wearers of Hagbuts and Piſtolets, and other Ingines of fire-work, who hath neither committed ſlaughter, nor mutilation, nor other odious violence therewith, but onely borne and worne them upon their perſons, or in their companies, contrair his Highnes Lawes and Acts of Parliament, may be either purſued criminally before the Juſtice and his Deputes, according to the cuſtome heretofore obſerved, or before his Highnes, and the Lords of Secret Councel, and lawful probation of witneſſe, or oath of party, at the option of his Highnes Theſaurer or Advocat. Providing alwayes, that ſic as ſhall be purſued before his Highnes, and Lords of the Secret Councell, and tryed by probation of witneſſes, guilty of any of the ſaids crymes, ſhall not incurre the corporal puniſhment preſcryved by the former Acts, be amputation of the right hand, but onely to be puniſhed by warding of their perſons, eſcheit of their goods moveable, or payment of ſic a pecunial penaltie and ſumme of money, as his Highnes, and Lords of his Secret Councel ſhall decerne; But prejudice any wayes of the execution of the former Acts of Parliament, againſt ſic as ſhall be criminally purſued, convict and found guilty by a condigne aſſiſe before his Highnes Juſtice general, or his Deputes foreſaids, incaſe his Majeſty like rather that they be purſued criminally before the Juſtice, nor before the Secret Councell. And farther, his Highnes and Eſtates foreſaids, annuls and diſcharges all Licences given by his Majeſtie, for bearing and wearing of Hagbuts, Piſtolets, and other Ingynes of fire-wark. And Statutes and Ordeines, that na licences ſhall be granted in time-comming to na perſons for bearing and wearing of the ſamine, except that the ſamine licences be granted by his Highnes, and Lords of Secret Councel ſitting in Councel; And when the ſamine licences are ſa granted, Ordeines the ſamine licences to pay compoſition to his Highnes Theſaurer, and to paſſe his Regiſter, and to paſſe the Signet and haill Seales: and decernes and declares all licences not granted in Councel, and whilk ſhal not pay compoſition, and paſſe the Signet and hail Seales, as ſaid is, to be null and of nane availl. And notwithſtanding thereof, the ſaids perſons to be accuſed, conforme to this preſent Act, and Acts of Parliament made of before.

Explanation of the Acts of Parliament anent Oeker and Uſurie.

CHAP. VII.

OUR Soveraigne Lord, with advice and conſent of the Eſtates, Ratifies and approves the Acts of Parliament made againſt uſurie and taking of unlawful annualrent or profit for ſilver in all points, according to the tenour of the ſamine. And becauſe the obſcurity of the Act of his Majeſties fifteenth Parliament, titulat, *It is not leſome to*

take

take mair annualrent or profit nor ten for the hundred: Anent the manner of tryall and probation of the ſaid cryme by oath of partie, and all other lawful probation conjoyned there-with, competent of the law, hes bred ſic difficultie in purſuit and deciſion of the ſaids cauſes, that juſtice thereby hes been greatly fruſtrate, and the contraveiners of the ſaid Act altogether unpuniſhed.

Therefore his Majeſtie with advice and conſent foreſaid, Statutes and Ordeines, that in all actions already intended, dependand, or hereafter to be intended againſt contraveiners of the ſaids Acts, Litiſcontestation being made therein, by admitting of the ſummonds to probation, it ſhal be leſome to prove the ſaids ſummonds and contraveining of the ſaids Acts, or any of them, anent the taking of unlawful and exorbitant profite, for ſummes of money, by writ or oath of party, Receiver of the ſaid unlawful profite, and by the witneſſes inſert in the ſaid ſecurity, made for the ſaids ſummes, without receiving of the oath of the party, giver of the ſaids unlawful profites, for eſchewing of all occaſion of perjurie whilk might be ſuſpected to proceed there-upon.

Anent diſſolution of the Coal-heughs of the propertie and lands where demoliſhed Strengths and Caſtels were builded of auld.

CHAP. VIII.

OUR Soveraigne Lord, underſtanding that the ground and bounds where diverſe Caſtels, Strengths and Forths pertaining to his Majeſties moſt noble progenitours, were of auld ſituat, is now altogether moſt deforme and unprofitable to his Majeſty, the ſaids Caſtels and Forths being ſa demoliſhed, that there remaines no kinde of building therein, either for ſtrength or dwelling to his Majeſtie. As likewiſe, that his Highnes Coal-heughs within the bounds of his annexed propertie, being unhabile to be wrought, without advancement of great expences, are ſa neglected, that his Majeſty neither receives furniture of Coales to his Highnes Houſe thereby, nor any other profite or commodity of the ſamine. For remeed whereof, our ſaid Soveraigne Lord, with advice and conſent of his Eſtates of Parliament, Statutes and Ordaines, that it ſhall be leſome to his Highnes, to ſet all and ſundry the lands and bounds with the pertinents, whereupon any of the ſaids auld demoliſhed and unhabitable Caſtels and Forths were ſituated, together with the Medowes and Loghes belonging thereto, and Coal-heughs being within the bounds of his annexed propertie, in few-farme heritably: So that it be not in diminution of his Highnes Rentall, Greſſum, or others duties, but in augmentation thereof. And to that effect, with conſent foreſaid, makes preſent diſſolution thereof. And that the Lands, Medowes, Loghes, Coal-heughs, and others ſet by his Majeſty, by vertue of this Act in manner foreſaid, ſhall ſtand perpetually, and after his deceaſe, the annexations made before to returne again to the awne nature; Sa that his Succeſſours, after his deceaſe, ſhall have na farther power to annalie nor woodſet in few any of the ſaids Lands, Bounds, Loghes, Medowes, Coal-heughs, and others foreſaids, nor they had before the making of this preſent diſſolution. And his Highnes and Eſtates of Parliament, declares that the foreſaid diſſolution ſhall nowayes hurt nor prejudge *Alexander* Lord *Levingſton* his Rights, whilks he hath to the Coal of *Bonitoun* beſide *Lithgow*, and to his Right that he hath to the Caſtell of *Blackneſſe*, with the greines and pertinents belonging thereto.

Act anent Coynie and Bullion.

CHAP. IX.

OUR Soveraigne Lord, and Eſtates of Parliament, having at length reaſoned anent the ſtate of the Coynie, as the ſamine is preſently current within this Realme, declares, that in this preſent Parliament, they will on no wayes alter the ſynnes nor prices of the Coynie, either of gold or ſilver, but that the ſamine have free paſſage and courſe hereafter as it preſently gives. And becauſe his Majeſty and Eſtates underſtands

that there is great ſcarcitie of Coynie for the time within this Realme. Therefore, has given power and commiſſion to the Lords of his Highnes Secret Councell, for order taking anent the hame-bringing of Bullion for furniſhing of the Coynie-houſe, and diſcharging the tranſporting and away-taking of gold, ſilver and other forbidden geare, under the pain of puniſhing of their bodies and goods, according to the diſcretion of the ſaids Commiſſioners: Whereby the Countrey may be furniſhed with aboundance of Coynie of ſic fynnes and prices as the ſamine preſently gives, and has paſſage within this Realme. And theſe preſents to be publiſhed to all our Soveraigne Lords Leiges.

Act anent the ſalting and tranſporting of Herring.

CHAP. X.

THE Kings Majeſty, with the advice of the Eſtates of this preſent Parliament, Statutes and Ordeines, that na perſon nor perſons, alſwell ſtrangers, as native-borne ſubjects of this Realme, take upon hand to buy, pack, peill, ſalt, barrell, or yet tranſport forth of this Realme, any Herring in ſmall or great quantitie at any time before Michaelmaſſe yearly, but to ſuffer the ſamine to be brought to publick markets, and there ſauld to all his Highnes Leiges, upon reaſonable prices, without attempting any thing in the contrair thereof, under the pain of confiſcation of the ſamine Herring, barrels, ſhips and veſſels, and of all the reſt of the moveable goods of the perſons, contraveiners hereof in any point. The third part of the ſamine to the apprehender, and the reſt to his Majeſties uſe, to be intrometted with by his Highnes Comptroller, and ſic as he ſhall give power and commiſſion for that effect. And Statutes and Ordeines, that no Licences be granted hereafter for packing, peilling, ſalting, and tranſporting of Herring before the time foreſaid; except the ſamine Licences be granted with conſent of the Councell ſitting in the Councell. And after the granting of the ſaids Licences, Ordeines the ſamine to paſſe the Signet and haill Seales, otherwiſe declares the ſamine Licences to be null and of nane availe.

Slaying of Salmond in forbidden time, to be ane crime of theft in time coming.

CHAP. XI.

OUR Soveraigne Lord, and Eſtates of Parliament, Statutes and Ordeines, that the ſlaying of Salmond in forbidden time, or of Kipper, Smolts, or ſic black fiſh at any time, ſhall be in all time coming, ane cryme of theft to the committer whatſoever in all time coming, and ſhall be puniſhed as theft in every qualitie, according to the committers rank and eſtate. Exceptand alwayes forth of this preſent Act, the Salmond, Kipper, Smolts, and all other fiſhes ſlain or tane within the Rivers of *Annand* and *Tweed* allanerly.

Anent ſingular Combats.

CHAP. XII.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, conſidering the great liberty that ſundry perſons takes in provoking of others to ſingular Combats, upon ſudden and frivole quarrels, whilk has ingendered great inconvenients within this Realme.

Therefore, Statutes and Ordeines, that no perſon in time coming, without his Highnes Licence, fight any ſingular Combat, under the pain of death, and his moveable geare eſcheat to his Highnes uſe. And the provoker to be puniſhed with a more ignominious death nor the defender, at the pleaſure of his Majeſty.

Anent

Anent Hornings.

CHAP. XIII.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, conſidering the great expences and faſherie the Lieges of this Realme ſuſteines, by ſeeking of a Notar and foure witneſſes to the Regiſtration of all Letters of Horning, Relaxations, Inhibitions, and Interdictions, in the Sheriffs, Bailiffs or Stewarts bookes within this Realme. And als ſuſteines great delay by ſeeking of the Clerks wha ſhould regiſtrate the ſamine,

Therefore our Soveraigne Lord, and Eſtates foreſaids, diſcharges that part of the Act of Parliament, made in the Moneth of *December* 1597. yeares, anent the Regiſtration of the ſamine Letters of Horning, Relaxations, Inhibitions and Interdictions, before a Notar and witneſſes. And decernes and declares the ſamine letters whilks are or ſhall be regiſtrate in the ſaids Sheriffs, Bailiffs, or Stewarts bookes by the Clerk thereof, or by the Clerk of Regiſter and his Deputes, in the bookes of Councell, ſhall be valide and ſufficient in the ſelf, and ſhall make faith in judgement or out-with in all time coming.

The negligence of the Kings Officiars may be ſupplyed by their ſucceſſours.

CHAP. XIIII.

OUR Soveraigne Lord, and Eſtates of Parliament, Statutes and Ordeines, that the ſleuth and negligence of any of his Highnes Officiars, in the perſewing or defending of any of his actions or cauſes in any time bygane or to come; ſhall no wayes be prejudiciall or hurtfull to his Highnes, but that he and his Officiars, ſucceſſours in that office, may without any order of Reduction, and by way of exception or reply, uſe and propone all and ſundry exceptions, replyes and defenſes competent of the law, whilks were willingly or negligently omitted by their predeceſſours. And thereby ſupply whatſomever thing that hath been neglected or omitted by the ſaids predeceſſours. To the effect, that his Highnes and his Crown be no wayes hurt nor prejudged by negligent Officiars, and the benefite of his Lawes may be competent to him at all times when it ſhall pleaſe him and his Officiars to crave and uſe the ſamine.

The pain of forbidden and uncuſtomed Goods.

CHAP. XV.

OUR Soveraigne Lord, with conſent of the Eſtates of this preſent Parliament, Statutes and Ordeines, that na perſon nor perſons, take upon hand in time coming, to tranſport forth of this Realme, or in-bring within the ſamine any forbidden or uncuſtomed Goods, under the pain of tynſell of their moveable goods that ſhall happen to come in the contrair hereof. That is to ſay, the ſaids forbidden and uncuſtomed goods that ſhall happen to be taken and apprehended, to appertein as eſcheit to our Soveraigne Lord, and to be intromitted with, and up-taken by his Highnes Comptroller, and compt thereof to be made by him in the Checker, and the remanent of the moveable goods and geare perteining to the contraveiners of this preſent Act, to be eſcheat for their contremption by our Soveraigne Lords Theſaurer. For the whilk he ſhall be likewiſe obliſhed to make compt in all time coming. And diſcharges all licences already granted to that effect, and that no licence paſſe hereafter, except the ſamine be paſt in Councell, and paſſe the haill Seales, and pay compoſition to his Highnes. And ordaines letters to be direct hereupon as effeirs.

Ratification of the Acts made of before in favours of the Kirk.

CHAP. XVI.

OUR Soveraigne Lord, with advice of the Eſtates of this preſent Parliament, Ratifies, approves and confirmes the liberty of the true and holy Kirk and Religion, preſently profeſſed within this Realme, and eſtabliſhed by the Lawes of the ſame; and all Acts, Conſtitutions and Immunities made and granted to the ſame, alſwell in his Highnes minoritie, as ſince his perfect age. And Ordeines the ſame to be put to execution in all points, againſt all perſons whatſomever in all time coming.

Act anent Non-Communicants.

CHAP. XVII.

OUR Soveraigne Lord, with advice of the Eſtates of this preſent Parliament, Ratifies, approves and confirmes the Act made in the Convention of the Eſtates at *Haly-rude-houſe* the day of October, the yeare of God 1598. anent Non-Communicants, whereof the tenour follows. Forſameikle as by diverſe & ſundry loveable Acts of Parliament, made by his Highnes, & his umwhyle Mother of good memory, ſince the Reformation of the Religion; It is Statute and Ordeined, that all his Highnes ſubjects ſhould embrace the Religion preſently profeſſed, alſwell by hearing of the Word, as participation of the Sacraments. Notwithſtanding whereof, ſundry perſons of the Realme abſtains from the receiving of the Communion and Lords Supper, pretending an excuſe of rancour and malice that they have in their mindes, againſt ſome of their neighbours, bearing them at deadly feud: alledging ſo long as the ſamine rancour remaines with them, and they nowayes reconciled with their ſaids neighbours, that they cannot worthily receave the ſaid Sacraments, & cannot juſtly be burdened by the Miniſtry to do the ſamine. Whilk pretended excuſe is nothing but a colour and cloake to cover their Papiſtrie, whilk is the onely cauſe of their abſteining to communicat. And in ſo far as by the acts of generall Aſſemblie, it is found that deadly feud can be no lawfull cauſe why any Perſon ſhould debar himſelf from the Seals and Sacraments of his communion with Chriſt:

Therefore his Highnes with the advice of the Eſtates preſentlie conveined, hes ſtatute and ordeined, that all his Highnes ſubjects ſhal communicat once every year, and ſhal no wayes pretend any excuſe of deadly feade, rancour or malice to appeare towards their neighbours. And when ever it ſhall happen any to abſtein or debar himſelf from the participation of the ſaid Sacrament, upon the pretence of the ſaid excuſe, or any other cauſe whatſomever, they being firſt lawfully required by their Paſtor or Presbytery to do the ſamine; that then they ſhall be aſtricted to pay the particular penalties under-written, enjoyned to them, and that to his Highnes Theſaurer. That is to ſay, every Earle ſo oft as he ſhall contraveene the premiſſes, a thouſand pounds. Every Lord, a thouſand marks. Every Baron, five hundreth pounds. Every free-halder, three hundreth marks. Every Yeoman fourtie pounds. And every Burgeſſe according to the modification of the Kings Majeſty and Lords of ſecret Councell. Whilks paines, the ſaids Eſtates hes ordeined our Soveraigne Lords Theſaurer, to execute with all extremity againſt the contraveiners hereof, and to intromet therewith to his Highnes uſe.

Ratification of the Act anent Jeſuites, Prieſts, excommunicate and trafficking Papiſts.

CHAP. XVIII.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of this preſent Parliament, Ratifies, approves and confirmes the Act made in the ſecret Councell at Saint *Johnſtoun* the firſt day of April 1600. yeares, anent the Jeſuits, Seminarie Prieſts, excommunicat, & trafficking Papiſts, common enemies to all Chriſtian government, wherof the

the tenour followes. Forſameikle as by diverſe Acts and Proclamations, made and publiſhed heretofore, all Jeſuits, Seminary Prieſts, excommunicate and trafficking Papiſts, common enemies to all Chriſtian goverament, are ſpecially commanded to depart and paſſe forth of this Realme, under certaine paines mentioned in the ſamine Act. The not execution whereof hes produced ſik a contempt and miſ-regard of the ſaids Acts, the reſait and traffick of the ſaids Jeſuites and Seminary Prieſts, is very frequent in ſundry parts of this Realme, where-throw great nnmbers of ignorant and ſimple people are ſeduced by them, to declyne from the true and Chriſtian Religion, to the offence and diſpleaſure of God.

For remeed whereof, it is ſtatute and ordeined by his Majeſtie, and Lords of his Highnes ſecret Councel, that whatſomever Jeſuites, Seminarie Prieſts, excommunicat and trafficking Papiſts, preſently being within this Realme, or that ſhall happen to be within the ſamine, ſhall immediatly after their delation to his Majeſty; be taken and apprehended by ordinar Magiſtrats of the bounds where they reſort, and committed to Ward, aye and whill they be converted to the Religion, removed and put out of the Countrey, or elſe puniſhed according to the tenour of the ſaids Acts. So that alwayes the benefite of the Act of Parliament, granting to other Papiſts the ſpace of fourtie dayes to ſatiſfie the Kirk, or to remove off the Countrey, ſhall be no wyſe extended to them. And becauſe the reſet whilk they have founden in diverſe parts of the Countrey, hes given them the boldnes ſo avowedly to contemne his Majeſty and his Lawes. That therefore ſik perſons as ſhall be given up by the Presbyteries, or Seſſion of the Kirk, to be the reſetters and hurders of them, ſhall be charged under ſik pecunial paines, as ſhall be modified by his Majeſty, and Lords of ſecret Councell, not to reſet them hereafter with this addition; That his Majeſty and Eſtates of Parliament declares, that every Earle that ſhal happen to reſet any, ſhal pay a thouſand pounds. Every Lord, a thouſand marks. Every Baron, five hundreth pounds. Every Free-halder, three hundreth marks. Every Yeoman, fourty pounds. And every Burgeſſe according to the modification of the Kings Majeſty, and Lords of ſecret Councel, the ſtine alwyſe not exceeding the ſumme of an hundreth pounds. Whilks paines the ſaids Eſtates hes ordeined our Soveraigne Lords Theſaurer to exact with all extremity againſt the contravenors hereof, and to intromet there-with to his Highnes uſe.

Ratification of the Act anent ſtrong and idle Beggers.

CHAP. XIX.

OUR Soveraigne Lord, with the advice of the Eſtates of this preſent Parliament, Ratifies and confirmes the Act made by his Highnes and Eſtates conveined at *Perth* the firſt day of Apryle laſt by-paſt, againſt ſtrong and idle Beggers, whereof the tenour followes. The Kings Majeſty and Lords of ſecret Councell, remembring how there hes been diverſe good and lovable Acts of Parliament, and ſecret Councel, made and publiſhed heretofore, for puniſhment of ſtrong and idle Beggers, and relief of the poore and impotent. And how the ſaids Acts hes received little or no effect, or execution, by the over-ſight and negligence of the perſons, who were nominate Juſtices and Commiſſioners, for putting of the ſaids Acts to full and due execution: And that there was not a ſpeciall penalty appoinied and enjoyned to them who ſhould be remiſſe and negligent therein; So that the ſtrong and idle Beggars, being for the moſt part theeves, bairds and counterfeit limmers, living moſt inſolently and ungodly, without Mariage, or Baptiſme of a great number of their children, are ſuffered to waig and wander throughout the haill Countrey, and the poore and impotent perſons are neglected, and no care had, nor proviſion made for their entertainment and ſuſtentation. For remeid whereof, and ſupply of the ſaids Acts, and namely of the Act of Parliament made in the yeare of God 1597. Whereby the execution of the Acts of Parliament is committed to the particular Seſſion of the Kirk; It is ſtatute and ordeined by the Kings Majeſty, with advice of the Lords of his ſecret Councell, that the ſaids Seſſions of the Kirk, where need is, ſhall be aſſiſted by

the

ane or twa of the Presbyteries; and that they shall put the saids Acts to full and due execution, conforme to the tenour thereof in all points, every ane of them within their awn bounds, under the pain of twenty pounds to be exacted off them, so oft as they shall be found to be remisse or negligent herein. And that these presents shall begin to that effect, and have execution upon the first day of June next to come. And to the effect his Majesty may be the better assured of the care and diligence of the saids Sessions of the Kirk, in due execution of the saids Acts of Parliament, his Majesty commands the haill Presbyteries of this Realme, to take diligent tryall of the obedience of the Sessions hereanent, and to report their certificat and testimoniall there-upon, to his Majesties Ministers, betwixt and the first day of August next to come; where-throw his Majesty may thereafter proceed against sik as shall be negligent, as accords. And that letters of publication be direct hereupon, as effeirs; where-throw the said Sessions of the Kirk, nor no other pretend ignorance. And to command and charge the saids Session of the Kirk to put the saids Acts of Parliament made against strong and idle Beggars, whereof the execution is committed to them, by the said Act of Parliament, made in the foresaid year of God 1597. to due and full execution in all points, conforme to the tenour thereof, betwixt and the said first day of June next to come, under the said pain of twenty pounds to be exacted of them, so oft as they shall be founden to be remisse after the said day. Certifying them that failyes, that the said pain shall be up-lifted of them with all rigour. And sicklike to command and charge the saids Presbyteries to take tryall of the saids Sessions hereanent, and to report their testimoniall there-upon betwixt and the first day of August, as said is. As they will answer to his Majesty upon their obedience, at their uttermost charge and perill.

Anent the marriage of Adulterous persons.

CHAP. XX.

OUR Soveraigne Lord, with advice of the Estates of this present Parliament, decerns all mariages to be contracted hereafter by any persons divorced for their awn cryme and fact of adultery, from their lawfull spouses, with the persons with whom they are declared by sentence of the ordinar Judge to have committed the said cryme and fact of adultery, to be in all time comming null, and unlawfull in themselves, and the succession to be gotten be sik unlawfull conjunctions, to be unhabile to succeed as heires to their saids parents.

Registers of the Sheriff Clerks to be marked by the Clerk of Register and his Deputes, and their Extracts to be marked by themselves.

CHAP. XXI.

THat all and whatsomever Sheriff Clerks in all times hereafter, shall present their Registers to the Clerk of Register, to be marked by him and his Deputes. And whatsomever Registration to be subscryved hereafter by them, upon whatsomever Letters, together with whatsomever Extracts shall be given forth thereof to any person, shall conteine in all time comming, the leafe wherein the samine is registrat, and this order to begin from the first day of March next; within the whilk, they and every ane of them, shall present their saids Registers to be sa marked. And that nane of them subscryve the Registration upon any Letter, or give forth any Extract subscryved with their hand after the foresaid day, unspecifying the leafe wherein the samine is conteined, within their Book, marked as said is, under the pain of an hundreth markes, *toties quoties*. But prejudice alwayes of the hornings whilks the saids Clerks omission, or neglect in this behalf, shall nowyse make invalide.

Act anent removing and extinguiſhing of deadly ſead.

CHAP. XXII.

OUR Soveraigne Lord, and haill Eſtates of Parliament preſently conveined, for removing of the preſent Feads that abounds within this Realme: Findes it meet and expedient, that the parties be charged to compeir before his Highnes and ſecret Councel, at ſik dayes as ſhall be thought expedient, to ſubmit to twa or three friends on either ſide, or to ſubſcryve ane ſubmiſſion, formed and ſent by his Majeſty to them to be ſubſcryved: Whilks friends by their acceptation, ſhall be bound either to decerne within the ſpace of threttie dayes, after they have accepted, or elſe to agree at their firſt meeting on ane overſ-man wha ſhal decerne within that ſpace: whilk if they cannot do, they ſhal within the foreſaid threttie dayes, report the ground and cauſe of their diſagreement to his Majeſty, and ſik ſpecials of his Councell as his Highnes ſhall finde leaſt partiall and ſuſpect. (Whaes Majeſty by the advice of the Eſtates here preſent, is declared to be overſman in that matter.) And failyng, that the friends arbitratours, either decerne or report not within the foreſaid ſpace after their acceptation, every ane of them by the authority of this preſent Act, to incur the pain of ane thouſand pounds, to be imployed to his Majeſties uſe. And becauſe all Feads are ane of thir three natures, namely that there is either na ſlaughter upon neither ſide, or ſlaughter upon ane ſide onely; or elſe ſlaughter upon both ſides. The parties in the firſt may be commanded to agree, due ſatisfaction being offered, and performed at the ſight of friends, and overſ-man in manner foreſaid. Where there is ſlaughter upon both ſides, his Majeſty may by rigour and equality of juſtice, compell them to agree, due ſatisfaction to be made on either ſide, according to the quality of the offence, and perſons offended. Where the ſlaughter is onely on the ane ſide, the party grieved cannot refuſe in reaſon to ſubmit in manner foreſaid, all quarrell he can beare to any perſon innocent, juſtice being made patent to him againſt the guilty, ſpecially he being ordeined by this preſent Act to perſew nane other but the guilty, and that by the Law. And the party ſo perſewed not to beare quarrell for it, but to defend in lawfull manner. And that all quarrels ſhall ceaſe againſt ſik as ſhall be lawfully perſewed in this forme, either by their conviction, and execution by law, or otherwyſe by their cleanging and agreement, that all perſons being of perfite age, and within the Countrey, and having entreſſe to perſew any party for crymes capitall, ſhall within fourtie dayes after the publication of this preſent Act at the head Burgh of the Shire where the perſewer dwells; raiſe, and cauſe execute their letters in the ſaid matter. And inſiſt in the perſute thereof, with certification to ſik as failyies, that their action ſhall periſh, expyre and be extinct: and the ſaid perſewer ſhall be compelled to ſubmit his action in manner above-ſpecified. Reſerving alwyſe to his Majeſty his action, as accords of the law. Providing that if the ſaid perſewer ſatisfie the ordinance of this preſent act, and be delayed either by ane continuation of the dyet by warrand of the Prince, or by the dilatour defences proponed by the pannell, for elyding of the finall tryall of the perſute. In that caſe the preſcription nowyſe to run againſt the perſewer, having done his poſſible diligence in manner foreſaid. And becauſe the guiltines of crymes conſiſts not onely in the perſon of the actuall committers thereof, but alſo in the authors, cauſers and movers of the ſamine to be committed, wha are airt, part and guilty of the ſaid fact, whereof na publick knowledge, nor certain tryall is had; His Majeſty and Eſtates nowyſe willing that neither the authors nor actour of ſik haynous crymes eſchape the due puniſhment, through obſcurity and laik of publick knowledge thereof: Declares that the parties offended, doing their diligence, asſaid is, againſt the actuall and knawne committers of the ſaids crymes, and ſatisfying this Act anent their reconciliation with all others perſons, ſhall nowyſe be prejudged of their action, competent againſt ſik perſons, of whaes guiltines they ſhall hereafter get knawledge: Provyding, that they ſhall beare no fead againſt the ſaids ſuſpect perſons, whill firſt after ſufficient information obtained, they raiſe their letters for ſummonding the ſaids parties to under-ly the law, and either make them fugitive, or

other-

otherwiſe obteine the purſute decided. And farther, that the preſcription of this preſent act ſhall nowyſe militat againſt any partie, whaes actions are alreadie ſubmitted to ane langer day nor is preſcryved in this act: Providing, that the party do his diligence in maner above-written, within fourtie dayes after the expyring of the ſaid ſubmiſſion. And to the intent that juſtice be na occaſion to breed farther trouble, every party ſhall come to the Town, accompanied allanerly with twenty foure perſons, where both they and their company ſhall keep their lodging to the houre of cauſe. At the whilk, firſt the ane, and then the other ſhall be brought out by the Town in Armes, accompanied from their lodging to the Bar, with the number preſcryved to their rank by act of Parliament. The contraveiner whereof, if he be purſuer, ſhall tyne his purſute in time comming: and if he be defender, he ſhall be denounced Rebell, as preſumed guilty, and refuſing lawfull tryall. And for ſtaying of all deadly feads in time comming, where there is no cauſe nor quarrell given as yet, it ſhall not bee lawfull to the purſuer to invade, purſue, bear fead or quarrell againſt any friend of the offender, innocent, and not accuſed and convict of the cryme, under the pain of tynſell of his action and purſute againſt the guilty, and be compelled to ſubmit with the offenders ſelf. Reſerving alwyſe to his Majeſty his action againſt him for the cryme. Like as the friends of the guilty perſon being convict and fugitive from the law, ſhall not bear quarrell for his purſute be law, neither maintain, ſupply nor reſet him, under the pains contained in the act againſt reſets of fugitives and rebels. And in caſe any of the friends of the guilty perſons reſet him in contempt of this preſent act, and others his Highnes Lawes, the party grieved, aſſiſted with his Highnes Advocat, ſhall onely purſue the Reſetter by order of Law without convocation of fead, grudge or quarrell to be born againſt him therefore otherwyſe; under the pain of tynſell of his ſaid lawfull action in all time comming. And to this order before ſpecified, the haill Nobility and Eſtates here preſent, have given their approbation and conſent, and ſworne to conforme them thereto in all feads whilks ſhall fall out in time coming. And this preſent act nowayes to nullitat in ſic caſe where the partie offender is denounced Rebell, or ſhal happen hereafter to be fugitive and put to the horne, for ſlaughter or other odious capitall crimes, during the time of their Rebellion. And to the intent theſe preſent articles may have the better effect, and be the mair willingly embraced by his Majeſties haill ſubjects, his Highnes of his proper motive and gracious inclination to juſtice, quietnes, and well of his people, ſolemnely declared, and faithfully promitted in preſence of the ſaids Eſtates, that for ſlaughter and other odious crimes to be hereafter committed, his Highnes ſhall grant no reſpit, remiſſion, pardon, nor over-ſight at any time hereafter, albeit the parties tranſact and agree amongſt themſelves, till the inveterat and damnable cuſtomes of the ſaids hainous crimes be rooted out and altogether ſuppreſſed. Whilks articles above-written, in the haill heads and points of the ſamine, Our Soveraigne Lord, and Eſtates foreſaids, preſently conveined, Ratifies, approves and confirmes, and ordains the ſamine to have the ſtrength, force and effect of ane law in all time coming. And that letters of publication and executorials paſſe here-upon, for the better obſervation hereof in this preſent Parliament.

Act againſt ſlaughter of Wilde-fowles.

CHAP. XXIII.

FOrſameikle as by common conſuetude of all Countreyes, ſpeciall prohibition is made to all ſorts of perſons to ſlay Wilde-fowl, Hare or Veniſon, except ſic as by their Revenues may bear the charges and burdens of the Haulks, Hounds and Dogs, requiſite in ſic paſtimes. In reſpect the ſamine as well hes been created for the recreation of mankinde, as for their ſuſtentation. Likeas it is of truth, that by diverſe and ſundry acts of Parliament, others ſtatutes and Proclamations made heretofore, all ſlaying of the ſaid Wilde-fowl and beaſts by any indirect meanes, ſic as hagbut, girn, net and fowler dog, is ſpecially forbidden, and diverſe penalties conteined in the ſamine act. Yet nevertheleſſe, ſic hes been the ſlacknes of the execution of the ſamine, that

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diverſe and ſundry perſons having greater regard of their gaine and commoditie, whilk they purchaſe by the ſelling of the ſaid Wilde-fowl, to ſic perſons wha preſers their awne inordinar appetite and gluttonie, either to the obedience of the ſaids Lawes, or to the recreation that may be had by the direct ſlaying of the ſamine: Hes uſed all the ſaids indirect meanes in ſlaying of the ſaids Wild-fowles and beaſts, whereby this Countrey being ſo plentifully furniſhed of before, is become altogether ſcarce of ſic wares. For remeed whereof, and that the continuing of the ſaid abuſe may not procure worſe inconvenients, ſeeing in time of peace in all time bygane, the ſaids paſtimes of Hunting and Halking were the onely meanes and inſtruments to keep the haill Lieges bodies frá not becomming altogether effeminate: Our Soveraigne Lord and Eſtates of Parliament, finding that the diſcharging of the ſelling of the ſaids Wilde-fowl and Veniſon ſhall procure ane remeed of the abuſe foreſaid; Have therefore diſcharged, like as by theſe preſents they diſcharge any perſons whatſomever, within this Realme, in any wayes to ſell or buy any Faſtan reid or Fallow Deere, Daes, Raes, Hares, Partridges, Moore-fowles, Black-cocks, Aith-hennes, Termigants, Wilde-Ducks, Teilles, Atteilles, Goldings, Mortyms, Schidderems, Skaildrake, Herron, Butter, or any ſic kinde of Fowles, commonly uſed to be chaſed with Halks, under the pain of ane hundreth pounds to be incurred alſwell by the buyer as the ſeller. And in caſe of the inhabilitie of any of the ſaids perſons to pay the ſaid ſumme, that the apprehender of them ſhall cauſe them to be ſcourged thorow the Burgh or Town where they ſhal be apprehended. And als diſcharges any of the ſaids Lieges, in any wayes to ſlay any of the wilde-fowl or beaſts above-ſpecified, by girn, net, or hagbut, under the pain above-ſpecified to be incurred by them. For execution whereof, Our Soveraigne Lord hes given and granted power and commiſſion to all Sheriffs, Stewarts, Baillies, alſwel of Regalities as Royalties, Proveſts and Baillies of Burrowes, and every Baron within his awne Baronie, ſpeciall Juſtices to that effect; giving them full, free and plain power to up-lift or execute the paines above-ſpecified againſt the tranſgreſſours of theſe preſents; the ane halt of the ſaids pecuniall paines to be intromitted with by them, to appertain to Our Soveraigne Lord, and to be payed to his Highnes Theſaurer; and the other halfe to the delator and apprehender. And becauſe ane of the greateſt occaſions of the ſcarcitie of the ſaids Partridges and Moore-fowles, is by reaſon of the great ſlaughter of their Pouts and yong anes, when as for youth neither are they habile to give paſtime, and for quantity can no wayes be ane great refreſhment.

Therefore our Soveraigne Lord hes diſcharged all his Highnes ſubjects whatſomever, in any wayes to ſlay or eat any of the ſaids Moore-pouts, or of any other kindes before the third day of July; or Partridge-pouts, before the eight day of September. Alwayes Our Soveraigne Lord and Eſtates foreſaids, declares that this preſent Act ſhal nowayes comprehend Cunnings, Wood-cock, Plevars, nor wilde-Gooſe, but the ſamine to be ſlain with nets, and others engines not forbidden by the Laws of this Realme, and to be coſt and ſauld as lawfull merchandize, as of before.

Anent the cuſtoming of Goods.

CHAP. XXIIII.

FOrſameikle as it is underſtand to the Kings Majeſty and Eſtates of this preſent Parliament, that by diverſe Acts of Parliament, Lawes and Conſtitutions heretofore obſerved, all manner of Engliſh Goods brought within this Realme, are, and hath been ever ſubject, and in uſe of payment to his Highnes of ane certaine cuſtome and dnety properly pertaining to his Majeſty, as ane part of the Patrimonie of his Crown. Likeas alſo other ſorts of Claith, Silkes, Stuffs, and Merchandize brought within this Realme from forrain Nations, are by act of his Majeſties Nobilitie, Councell and Eſtates, of the date the threttenth day of May, the year of God 1597. Ratified and approved in Parliament halden at *Edinburgh* in the moneth of December, the ſamine year, ſubject to the

payment of ane certain cuſtome to his Highnes. And the Merchants in-bringers of the ſaid Goods, aught not to looſe, break bowk or diſpone there-upon, whill the ſamine bee firſt entred, then marked, and duly cuſtomed by the Cuſtomer appointed thereto. Notwithſtanding the cuſtome of the ſaids Goods are very far over-ſeen, to the great hurt and diſcommoditie of his Maajeſty, in reſpect there is na ſeal appointed to be hanging to the ſaids Goods, according to the uſe and conſuetude obſerved in other Nations, whereby the Goods cuſtomed, could no wayes be knawne by the uncuſtomed Goods. And ſa by their confuſion, the Merchants, awners, and in-bringers of the ſaids Goods, immediatly after the arriving and comming of the ſa ids Goods within this Realme, looſes, breaks bowk, ſells and conceales the ſamine, and never offers nor preſents na part thereof to be cuſtomed, conforme to the order, to the great prejudice of his Highnes; whilk being now conſidered by his Highnes, his ſaid Nobilitie, Councell and Eſtates, and they finding that by the want of the ſaid ſeal, his Majeſty is, and hes been greatly defrauded of his cuſtomes: Ordaines therefore the haill Cuſtomers within this Realme, to cauſe make ane print, ſeal, and ſtamp of ſeal conteining twa halfs for every Burgh and Sea-port within this Realme, where there are eſtabliſhed Cuſtomers; the ane half thereof conteining JACOBUS REX, with his Highnes Armes and Crown; and the other half the name of the Burgh where the ſamine ſhall remain. Whilk ſeal and ſtamp ſhall be applyed to Lead, being ſo ſtricken and printed with the ſaid ſtamp, ſhall be hanging to every wob, piece, and ſteik of claith, ſilk and ſtuff of whatſoever Nation that hereafter ſhal be brought within this Realme by ſea or land, before the ſamine be preſented to open markets, ſauld or any wayes diſponed upon. And the ane half of the ſaid ſeal to be keeped by the Cuſtomer, and the other half by the Clerk of the Coquet: The awners of the ſaid claith, ſilks and ſtuffs payand the cuſtome thereof. And to the effect the claith, ſilks, and ſtuffs preſently being within this Realme, may be knawne and decerned from that whilk hereafter ſhall be brought within the ſamine; It is alſo decerned and ordeined, That the Cuſtomer of every Burgh and Sea-port, ſhall repair to the dwelling houſes and buiths within every ane of the ſaids Burghs and Ports where they are particularly appointed Cuſtomers, and there receive the oathes of the awners, of ſic pieces, ſteiks and wobs of claith, ſilks and ſtuffs as are therein; whether the ſamine hes payed the cuſtome thereof, or not. And ſic as hes not payed cuſtome, that the ſamine be then inſtantly payed, and the ſaid ſeal in token thereof hanging thereto, and to all others pieces, ſteikes and wobs whilks ſhall be apprehended within the ſaids buithes and houſes, whereof the cuſtome hes been payed of before, upon the expences alwayes of the ſaid Cuſtomer. And that the awners of the ſaid claith and ſtuffes, require the Cuſtomers within every Burgh and Port particularly to repair to the ſaids buiths and houſes, to this effect, within fourteen dayes after the publication hereof: And farther, to do and performe all other things whilks to every ane of them is appointed to be done in manner foreſaid, under the pain of confiſcation of all the pieces, wobs and ſteiks of claith and ſtuff that ſhall be apprehended thereafter wanting the ſaid ſeal. And that na manner of perſons, in-bringers of the ſaids claith, ſilk and ſtuff within this Realme in time comming, preſume nor take upon hand, to ſell nor diſpone upon the ſamine, nor na part thereof, unto the time the ſamine be preſented to the Cuſtomers within the Cuſtome-houſes, the cuſtome thereof payed, and the ſaid ſeal in token thereof, hanging to every particular piece of the ſamine, as ſaid is, under the pain of eſcheating of the ſamine. Certifying them if they failyie, that all and whatſomever wobs, ſteiks and pieces whilks ſhall be apprehended wanting the ſaid ſeal, ſhall be confiſcat and intromett with to his Majeſties uſe as eſcheat, with all rigour and extremity in example of others. And that letters of publication be direct here-upon, where-throw nane pretend ignorance of the ſamine.

All

All charges of Horning againſt perſons dwelland be-north the Water of Dee to be direct upon fifteen dayes at the leaſt.

CHAP. XXV.

OUR Soveraigne Lord, and Eſtates of Parliament, conſidering how that his Majeſties ſubjects, inhabiting the North part of this Realme, are oft-times drawne in great inconvenients by ſundry charges direct againſt them, ſometime fot finding of Lawburrows, or compeiring before his Majeſty and his Councell upon ſimple charges of ſex dayes, ſa that by the ſhortnes of time, and impoſſibilitie to them to ſatisfie the ſaids charges within ſex dayes, in reſpect of the far diſtance of the place of their reſidence from the Burgh of *Edinburgh*, they are oft-times put under the danger of Horning; whereas if they had convenient times granted to them, there would not be ſic diſobedience of ſic great numbers of his Majeſties ſubjects. For remeed whereof it is ſtatute and ordeined, that na Letters of Horning ſhall be direct againſt any perſons dwelling be-north the water of *Dee* upon ane ſhorter ſpace nor fifteen dayes at any time hereafter. And the Horning to be uſed againſt any of the ſaids perſons upon ane ſhorter ſpace nor fifteen dayes, ſhall be null and of nane availl.

Act againſt perſons wha purſues others within ane mile of the Kings Majeſties reſidence.

CHAP. XXVI.

THe Kings Majeſty, and Eſtates of Parliament, conſidering the manifold indignities from time to time done to his Majeſty, by ane number of undutifull and unreverent ſubjects, wha to the contempt and diſhonour of his Majeſty, make frequent tulyies, and ſeeks the commoditie to revenge their particular quarrels within the Burgh of *Edinburgh* and *Cannogate*, and others places neer to the place of his Highnes reſidence, not ſparing ſometime at his Majeſties awn back to uſe their privat revenge, to the hazard and perilling of his Highnes moſt Noble Perſon. Likeas diverſe perſons, under pretence of their awn defence, repaires and reſorts within his Majeſties Palaces, armed with Jacks, Secrets or Corſlets, under their doublets or coats; where-throw is to be feared, that certain evill diſpoſed perſons, under colour of their awne defence, may attempt ſome enterpriſe againſt his Majeſty or his Domeſticks.

For remeed whereof, and eſchewing of the inconvenients that here-upon may enſue; It is ſtatute and ordained, that whatſomever perſon, of what eſtate, qualitie or degree he be of, ſhall preſume to take upon hand at any time hereafter, to invade or purſue any of his Majeſties ſubjects, within any part of this Realme, within ane myle to the place of his Highnes reſidence and remaining for the time; or wha ſhall reſort and repair within his Majeſties Palaces, or any part of his reſidence, armed with Jacks, Secrets or Corſlets under their coats, doublets, or otherwiſe; that the ſaids perſons, makers of the ſaids tulyies and combats, after due tryall that they were the firſt on-ſetters. As alſo, the ſaids perſons repairing armed within his Majeſties Houſes, as ſaid is, ſhall be taken, apprehended and warded for year and day, and farther, ay and whill they fyn, with his Majeſty for their liberty, according to his Highnes good pleaſure.

Anent the Court place of the Sheriffdome of the Meirnes.

CHAP. XXVII.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, underſtanding the great prejudice ſuſtained by the Lieges of this Realme, where the Judgement-ſeats of Sheriffs, and others Judges are not ſa commodious neither in building nor in ſituation, as the Sheriff, others Judges and their Deputes may conveniently ſit, nor the parties may reſort thereto. And ſpecially that the Sheriff of the *Meirnes*, alias *Kincardin* and his Deputes, hes been in uſe theſe many years to ſit at *Kincardin*, where there is neither ane Tolbuith, nor any houſe to parties to lodge into for their entertainment, nor yet is the place in the mids of the Shire, whereby the Lieges within the ſaid Sheriffdome are greatly damnified. For remeed whereof, it is ſtatute and ordeined, that the Sheriff of the Sheriffdome of *Kincardin* and his Deputes, in all time-coming, ſhall ſit and hald their Courts at the *Stane-hyve*, as maiſt meet and convenient to them, and to the hail Lieges within the Shire: and that precepts to be direct, ſhall be to warne all parties within their juriſdiction, to compeir to purſue and defend in their Courts at the *Stane-hyve* in all time hereafter.

Anent the keeping of Pledges.

CHAP. XXVIII.

FOrſameikle as in time bygane, the only mean for quieting of the Borders, was entring of Pledges, & the keeping of them in ſurety, that incaſe any enormitie or wrang were committed by any of the gang or ſurname, for the whilk they were entred Pledges, then juſtice ſhould be execute againſt the ſaids Pledges with all rigour. And becauſe heretofore ane great number of the Nobility and Barons being burdened for keeping in ſurety ſome of the ſaids Pledges, hath made their excuſe of the danger and inconvenient that might occurre to them, incaſe of the eſcape of any of the ſaids Pledges delivered to them in keeping; whilk being eaſie to be prevented by the mair impriſonment of them: Our Soveraigne Lord, and Eſtates of Parliament, findes that nane of the Nobility and Barons, being burdened to receive any of the ſaids Pledges ſhall refuſe to accept them, upon excuſe of any inconvenient whatſomever that may enſue; but ſhall receive them, and keep and detein them, ay and whil the ſaids Pledges be ſuted to be delivered by them; and ſhal be anſwerable for them, that they ſhall no wayes eſcape, ilk Pledge under the pain of twa thouſand pounds.

A Table of the particular Acts and others, past in the XVI. Parliament, halden at EDINBURGH the fifteenth day of November 1600. yeares, not imprinted.

1 THe forfalture of umwhile John *Earle of Gowrie, and umwhile* Alexander Ruthven *his brother.*
2 *Act anent the dishereſing and inhability of the brother and poſterity of the umwhile Earle of Gowrie.*
3 *Act aboliſhing the ſurname of* Ruthven.
4 *Proteſtation for the Queenes Majeſty.*
5 *Proteſtation for the Earle of* Rothes.
6 *Act in favours of Sir* Thomas Erskin.
7 *Another Act in his favours.*
8 *Act in favours of Sir* Hew Hereis.
9 *Act in favours of Sir* John Ramſay, *anent the lands of* Eaſt-barns.
10 *Act in favours of Sir* Hew Hereis, *anent the lands of* Cowſland.
11 *Act in favours of* James Lundie.
12 *Anent the poſteritie of* Francis *ſometime Earle Bothwel.*
13 *Proteſtation of the Burrowes anent the Bullion.*
14 *Another Proteſtation made by them.*
15 *Act anent proviſion for Armour.*
16 *Act anent making of Redres.*
17 *Act in favours of Sir* Patrick Murray *anent the Abbacie of* Fern.
18 *Act in favours of* John *Marqueis of* Hammiltoun *anent* Arbroth.
19 *Ratification of the Counteſſe of* Mar *her infeftment.*
20 *Diſcharge given to her anent the education of the Prince.*
21 *Act in favours of the Conſtable of* Dondie, *anent bearing of the Kings Banner.*
22 *Act in favours of the Lord* Hoome, *anent the thirds of* Coldinghame.
23 *Ratification to Maſter* Peter Yong.
24 *Act in favours of the Laird of* Bogie, *and Maſter* John Moncreif.
25 *Act in favours of the Duke of* Lennox.
26 *Ratification of the erection of the Burgh of* Greinlaw.
27 *Act in favours of* Patrick Leſlie, *anent the Abbacie of* Lundores.
28 *The deciſion of the Monkes portions of* Arbroth, *betwixt the Marqueis of* Hammiltoun *and the Laird of* Auldbar, *remitted to the next Parliament.*
29 *Ratification of the infeftment of the* Lewes.
30 *Act in favours of the Fewers of the Kings lands within* Fyfe.
31 *Ratification of the Biſhop of* Glaſgows *reſtitution.*
32 *Proteſtation of the Earles of* Erroll *and* Marſhell.
33 *Act in favours of the Duke of* Lennox, *anent the aſſignation of the thirds of the Prioric of Saint* Andrewes.
34 *Act anent Regiſtration of Seaſings in the Secretars Regiſter.*
35 *Commiſſion for ranking of the Noblemen in their places.*
36 *Commiſſion anent the wooll.*

THE

THE SEVENTEENTH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the grace of God, King of Great BRITAINE, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Perth* the eleventh day of Iuly, the year of God 1604. yeares.

By the Potent Earle and Lord, JOHN Earle of Montroſe, Lord Grahame and Magdock, his Majeſties Commiſſioner: and the Eſtates of this Realme.

Commiſsion anent the Union of the two Kingdomes.

CHAP. I.

FOrſameikle as it hath pleaſed his moſt Excellent Majeſty, acknowledging the unſpeakable favour, wherewith the Divine providence of the moſt High hath bleſſed him, by the oft-wiſhed, but hardly expected conjunction of twa ſa ancient and long diſcordent Kingdomes, moſt earneſtly to deſire ane eſtabliſhed continuance of the ſamine, that as by lawfull ſucceſſion they are ane in the Head, ſo in the body and every member thereof, they may be ſa inſeparably conjoyned, as all after-comming ages ſhould finde the ſweetneſſe of the Peace, wealth and felicitie, whilk by the perfite accompliſhment thereof, may continue to the Worlds end. And his moſt Excellent Majeſty, although abſent in Perſon (from his moſt ancient and Native Kingdome) yet preſent by his Princely Power, fatherly

fatherly care, and prudent commandements, daily directed to his moſt humble and obedient ſubjects of the Kingdome, having laid before them the great bleſſing that ane conſtant and friendly conjunction with their neighbour Countrey of *England*, now united by alleageance and loyall ſubjection in his Majeſties moſt Royall Perſon, would bring to them and their poſteritie, and therewith out of his maiſt loving and accuſtomed Princely regard, to their ineſtimable joy and comfort, vouchſafing to aſſure them of his ſincere diſpoſition and cleare meaning, noway by the foreſaid Union to prejudge or hurt the Fundamentall Lawes, ancient Priviledges, Offices and Liberties of this Kingdome. Whereby not onely the Princely authoritie of his moſt Royall diſcent hath been theſe many ages maintained, but alſo his Peoples ſecuritie of their Lands and Livings, Rights, Liberties, Offices and Dignities preſerved: whilks if they ſhould be innovated, ſic confuſion ſhould enſue, as it could no more be a free Monarchie: and his Majeſties gracious intention in eſtabliſhing the foreſaid Union, is onely to alter and reforme ſic indifferent and temporall Statutes, particular Cuſtomes, or ſpeciall Ordinances, whereby the bygone remembrance may be extinguiſhed, and the future grouth prevented of many particular debates and unhappy accidents, whilk might hereafter diſturb that conſtant love and perfite amitie betwixt both Nations, ſo tenderly wiſhed by his moſt Excellent Majeſty, and ſic ſteadfaſt and aſald grounds of uniforme ſocietie, ſurrogat in their place. That as the preſent age is raviſhed in admiration with ane ſo fortunate beginning, ſo that the poſteritie may rejoyce in the fruition of ſic ane effectuall Union of twa ſa famous and ancient Kingdomes, miraculouſly accompliſhed in the Blood and Perſon of ſo rare ane Monarch.

Therefore, and for the mair accompliſhing of the Work foreſaid, the Eſtates Spirituall and Temporall of this preſent Parliament aſſembled, by vertue of his Majeſties Commiſſion, under the great Seal of *Scotland*, Declares, ſtatutes and ordeines, that the perſons following, they are to ſay, *John* Earle of Montroſe Lord Chancellour of *Scotland*, *Francis* Earle of Erroll high Conſtable of *Scotland*, *George* Earle Marſhell great Marſhell of *Scotland*, *James* Earle of Glencarne, *Alexander* Earle of Linlithgow, *John* Archbiſhop of Glaſgow, *David* Biſhop of Roſſe, *George* Biſhop of Caithnes, *Walter* Pryor of Blantyre, *Patrick* Lord Glames, *Alexander* Lord Elphinſton, *Alexander* Lord Fyvie Preſident of the Councell of *Scotland*, *Robert* Lord Roxburgh, *James* Lord Abercorne, *James* Lord Balmirrinoch principall Secretar of *Scotland*, *David* Lord Scoone, Sir *James Scrymgeour* of Dudop Knight, Sir *John Cockburne* of Ormeſton Knight, Sir *John Hoome* of Coldonknows Knight, Sir *David Carnagie* of Kinard Knight, Sir *Robert Melveill* elder of Murdocarnie Knight, Sir *Thomas Hammilton* of Binnie Knight, Sir *John Leirmonth* of Balcomie Knight, Sir *Alexander Straton* of Lawreſton Knight, Sir *John Skene* of Currihill Knight, Maſter *John Sharp* of Howſton Lawer, Maſter *Thomas Craig* Lawer, *Henry Neisbit*, *George Bruce*, *Alexander Rutherfurd*, Maſter *Alexander Wedderburne* Merchants: Or any twenty of them, ſhall by vertue of this preſent Act, have full Power, Commiſſion, Libertie and Authoritie, to aſſemble and conveen themſelves, after the ending of this preſent Seſſion of this Parliament; and before the next Seſſion thereof, at ſic time, and in ſic place as it ſhall pleaſe his Majeſty to appoint, with certain ſelected Commiſſioners, nominat and authorized by the Parliament of *England*, according to the tenour of their Commiſſion in that behalf, to confer, treat, and conſult upon ane perfite Union of the Realms of *Scotland* and *England*, and concerning ſic other matters, cauſes and things whatſomever, tending to his Majeſties honour and contentation, and to the weal and tranquillitie of both the Kingdomes, during his Majeſties life (whilk the ever-living God long continue) and during his Royal Poſteritie in bleſſed tranquillitie to the worlds end. As upon mature deliberation, the greateſt part of the ſaids Commiſſioners, aſſembled, as is foreſaid, with the Commiſſioners anthoriſed by the Parliament of *England*, ſhal in their wiſedomes think maiſt expedient and neceſſar; not derogating anywyſe any Fundamentall Lawes, ancient Priviledges, Offices, Rights, Dignities and Liberties of this Kingdome, as is before ſaid: And that the Commiſſioners of baith the ſaids Realmes, according to the tenour of their

their Commiſſion in that behalf, ſet down their proceedings in three ſeverall writings, every ane of them to be ſubſcryved and ſealed by them, to the end that ane of them may be in all humilitie preſented to his Majeſty; the ſecond to be preſented to the conſideration of the next Seſſion of Parliament, for the Realme of *Scotland*; and the third to be offered to the conſideration of the next Seſſion of Parliament, for the Realme of *England*. That thereafter ſic order may be taken therein, as baith the ſaids Parliaments ſhall think expedient for his Majeſties ſatisfaction, and benefit of baith the ſaids Kingdomes.

A Table of the particular Acts and others, paſt in the XVII. Parliament, halden at PERTH the eleventh day of July 1604. yeares, not imprinted.

1 *ACt in favour of the Liberties of the Kirk.*
2 *Forfalture of* William Borthwick *of Sowtray.*
3 *Forfalture of* Thomas Kennedie *Tutour of Bargany.*
4 *The Summonds of Treaſon againſt* Walter Moore *of Cloncaird, paſt fra by the Advocat.*
5 *Commiſsion to the Lords of Seſsion to decide the action of Reduction of the forfalture of* James Wood *appearand of Bonytoun.*
6 *Act anent the reſtitution of* James Douglas *of Spot.*
7 *Proteſtation made by the Lord Roxburgh.*
8 *Act anent the reſtitution of Maſter* Thomas Cranſton.
9 *Proteſtation made by the Earle of Angus anent his place of Prioritie, and of the Duke of Lennox and Marquis of Huntlie in the contrare.*
10 *Proteſtation made by the Lord of Roxburgh.*

THE

THE EIGHTEENTH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the grace of God, King of Great BRITAINE, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Perth* the ninth day of Iuly, the year of God 1606. yeares.

By the Potent Earle and Lord, JOHN Earle of Montroſe, Lord Grahame and Magdock, his Majeſties Commiſſioner, with advice of the Eſtates of this Realme.

Anent the Kings Majeſties Royall Prerogative.

CHAP. I.

FOrſameikle as the Eſtates and haill body of this preſent Parliament, conſidering that with the lawful diſcent in the Perſon of our moſt gracious Soveraigne, of the righteous inheritance of the famous & renowned Kingdoms of *England*, *France* and *Ireland*, whilk very far ſurpaſſes the wealth, power & force of the dominions of any of his Progenitors, Kings of *Scotland*, God hath alſo joyned ane wonderfull increaſe of care and burden. For diſcharge whereof he hath endued his Majeſty with ſa many extraordinary graces, and maiſt rare and excellent vertues, as hee is not onely knawne by daily and manifeſt experiences, in matters of greateſt difficultie and conſequence, to the unſpeakable comfort of all his faithfull ſubjects, to be capable of the happy governement of his ſaids Kingdomes: But by his

moſt ſingular judgement, fore-ſight and Princely wiſedome, worthie to poſſeſſe, and habile to governe far greater Dominions and numbers of People. And in reſpect thereof, the ſaids Eſtates plainly perceiving that by this his Majeſties exaltation, not onely in preheminence and power, but alſo in all Royall qualities requiſite for the happy diſcharge thereof, God has manifeſtly expreſſed his heavenly will to be, that his Majeſties Inſpeckall power, which God hath graciouſly enlarged, ſhall not by them in any ſort be impaired prejudged or diminiſhed; but rather reverenced and augmented ſa far as poſſibly they can. Therefore the ſaids Eſtates, and haill Body of this preſent Parliament, all in ane voluntar, humble, faithfull and united heart, minde and conſent, truely acknawledges his Majeſties Soveraigne Authoritie, Princely Power, Royall Prerogative, and Priviledge of his Crown over all Eſtates, perſons and cauſes whatſomever within his ſaid Kingdome. And his Majeſty with expreſſe advice, conſent and aſſent of the ſaids haill Eſtates, Ratifies, approves, and perpetually confirmes the ſamine, als abſolutely, amply and freely in all reſpects and conſiderations, as ever his Majeſty or any of his Royall Progenitours Kings of *Scotland*, in any time by-gane poſſeſſed, uſed and exerciſed the ſamine. And likewiſe, with conſent foreſaid, caſſes, annuls, abrogats, retreats and reſcinds all and whatſomever things ſtatuted, enacted, done or hereafter to be done or intended to the violation, hurt, derogation, impairing or prejudice of his Highnes Soveraigne Authoritie, Royall Prerogative and Priviledge of his Crown, or any point and part thereof, in any time by-gane, or to come. And the ſaids haill Eſtates for them and their Succeſſours, faithfully promits, perpetually to acknawledge, obey, maintein, defend and advance the life, honour, ſafetie, dignitie, Soveraigne Authority, and Prerogative Royall, of his Sacred Majeſty, his Heires and Succeſſours, and Priviledge of his Highnes Crown, with their lives, lands and goods to the uttermoſt of their power, conſtantly and faithfully to withſtand all and whatſomever perſons, powers or eſtates, wha ſhall preſume, preaſſe or intend any wayes to impugne, prejudge, hurt or impair the ſamine; and never to come in the contrare thereof, directly or indirectly, in any time coming.

Act anent the reſtitution of the eſtate of Biſhops.

CHAP. II.

OUR Soveraigne Lord now in his abſence forth of his Kingdome of *Scotland*, earneſtly deſiring ſa to provide for the juſt and politique government of that Eſtate, as his faithfull ſubjects thereof may perfitely knaw, that abſence breeds not in his Royall minde oblivion of their good, but that he is daylie mair and mair carefull of ſic things as may tend maiſt to the honour, profite and perpetuall ſtabilitie and quietnes of the ſaid Kingdome; wherein underſtanding Religion and Juſtice to be ſa neceſſar fundaments and pillars, as by them the authoritie of the Princes, & quietnes of the people in all times bypaſt, hes chiefly been eſtabliſhed and mainteined, whill of late in his Majeſties yong years, and unſetled eſtate, the auncient & fundamentall Policie, conſiſting in the maintenance of the three Eſtates of Parliament, hes been greatly impaired, and almaiſt ſubverted, ſpecially by the indirect aboliſhing of the eſtate of Biſhops, by the Act of annexation of the Temporalitie of Benefices to the Crown, made in his Highnes Parliament, halden at *Edinburgh* in the moneth of July, the year of God 1587. yeares: Whereby albeit it was never meaned by his Majeſty, nor by his Eſtates, that the ſaid Eſtate of Biſhops, conſiſting of Benefices of cure, and being ane neceſſar Eſtate of the Parliament, ſhould on nowyis be ſuppreſſed; yet his Majeſty by experience of the ſubſequent time, hath clearly ſeen, that the diſmembring and abſtracting from them of their Livings, hes brought them in ſic contempt and povertie, that they are not habile to furniſh neceſſars to their privat family, meikle leſſe to beare the charges of their wonted rank in Parliament and Generall Councels, and after the example of their predeceſſours, to aſſiſt and ſupply their Prince with their counſell and goods, in time of peace and warre. The remeed whereof properly perteins to his Majeſty, whom the haill Eſtates of their bounden duetie, with maiſt

hearty

hearty and faithful affection humbly and truly acknawledges to be Soveraigne Monarch, abſolute Prince, Judge and Governour over all perſons, Eſtates and Cauſes baith Spirituall and Temporall within his ſaid Realme.

Therefore his Majeſty, with expreſſe advice and conſent of the ſaids haill Eſtates of Parliament, being carefull to repone, reſtore and re-integrat the ſaid Eſtate of Biſhops, to their ancient and accuſtomed honour, dignities, prerogatives, priviledges, livings, lands, teynds, rents, thirds and eſtate, as the ſamine was in the Reformed Kirk, maiſt ample and free at any time before the Act of annexation foreſaid. By the tenour hereof, retreats, reſcindes, reduces, caſſes, abrogats and annuls the foreſaid Act of annexation of the temporalitie of Benefices to the Crown, made in the year of God 1587. yeares, as ſaid is, in ſa far as the ſamine may in any wayes comprehend or be extended to the authoritie, dignity, prerogative, priviledges, towers, caſtels, fortalices, lands, Kirks, teynds, thirds or rents of the ſaids Biſhopricks, or any part thereof, with all others Acts of Parliament, made in prejudice of the ſaids Biſhops, in the premiſſes, or any of them, with all that hes followed or may follow there-upon, and all Acts of diſmembring of particular Kirks, or common Kirks of the ſaids Biſhopricks from the ſamine, or for ſeparating the thirds of the ſaids Biſhopricks from the body, tytle and twa part of the ſamine. To the effect, the perſons preſently provided to the Biſhopricks of *Scotland*, or any of them, or that hereafter ſhall be provided to the ſamine, may freely, quietly and peaceably enjoy, bruike and poſſeſſe the honours, dignities, priviledges, and prerogatives, competent to them or their eſtate ſince the Reformation of Religion; and all Townes, Fortalices, Lands, Kirks, Teynds, Rents, Twa-parts, Thirds, Patronages, and Rights whatſomever, belanging to the Biſhopricks or any of them, to uſe and exerciſe the ſamine, and freely diſpone upon the haill twa-part and thirds, Temporalitie and Spiritualitie of their ſaids Biſhopricks, and all the premiſſes belanging to the ſaids Biſhopricks, as the ſaids Acts of annexation, and remanent Acts, made in any wayes to their prejudice in the premiſſes, and every ane of them, and all that followed there-upon, had never been made nor done. They alwayes enterteining the Miniſters, ſerving at the cure of the Kirks of their ſaids Biſhopricks, upon the readieſt of their ſaids thirds, according to the ordinare aſſignation made or reaſonably to be made thereanent.

Attour, becauſe his Majeſties intention is onely to reſtore the Biſhopricks, whilks are Benefices of cure, and nowayes to alter any thing done in other Benefices, whilks are not of cure. And for the better ſatisfaction of his Majeſties ſubjects and faithfull ſervants, whom his Majeſty in his Princely liberalitie, for diverſe good reſpects and cauſes moving him, hath beneficed, rewarded and advanced with erections, fewes, patronages, teynds, and others infeftments, confirmations of lands, rents, teyndes, patronages, and others Rights of Abbacies, Pryories and others Benefices, not being Biſhopricks.

And to the effect they be not prejudged, nor put in miſtruſt by this Act, of their ſaids ſecurities in the premiſſes, his Highnes with the advice of the hail Eſtates of Parliament, Ratifies and approves, and for him and his ſucceſſours perpetually confirmes, the haill erections, infeftments, confirmations, patronages, tacks, and others ſecurities of Lands, teyndes, patronages, rights and rents whatſomever, of the ſaids haill Benefices foreſaids, or any part thereof (not being Biſhopricks) given, diſponed or confirmed by his Majeſty, during the time of the ſaid Parliament, halden in the moneth of July 1587. yeares, of before, or ſenſyne, made agreeable to the Lawes and Acts of the ſaid Parliament 1587. yeares, and others Lawes and Acts made ſenſyne. And faithfully promits *in verbo Principis*, never to quarrell nor impugne the ſamine, directly nor indirectly, in any time comming. As alſo for the well and ſecuritie of the tenants of the lands and teyndes of the ſaids Biſhopricks, wha ſince the Act of annexation, have deburſed diverſe ſummes of money to his Highnes Theſaurer, for making and confirming to them of their infeftments, tacks and ſecurities of the ſaids lands, teyndes, and rents of the Biſhopricks poſſeſt by them. And to the effect the annulling of the ſaid Act of annexation, bereave them not altogether of the ſaids Lands, teyndes, and rents of Biſhopricks, acquired by them upon their large charges and expences, according to the Law then ſtanding. And

that upon the other part, the ſaids Biſhopricks be not altogether made unprofitable, by the unlawfull Dilapidation of the rents thereof, and hurtfull converſion of the victuall, keynes, cuſtomes, and others commodities of the ſamine, for unequall and unworthie prices.

Therefore his Majeſty with advice of his Eſtates foreſaids, Ordeines the ſaids perſons poſſeſſours of the lands or teyndes of Biſhopricks by vertue of Infeftments, Confirmations or Tacks of the ſamine granted or ſet ſince the ſaid Act of annexation, and conforme to the ſamine, and Lawes of the Realme, at the time of the making thereof, ſhall have the ſecurities, confirmations, tacks and rights of the ſaids lands and teyndes of the Biſhopricks foreſaids, renewed and granted to them in ſufficient, valide and perfite forme by the Biſhops, poſſeſſours of the ſaids Benefices. The ſaids Fewers, Tackſmen and Tenants, paying to the ſaids Biſhops, for greſſum, entreſſe and compoſition, for renewing of their ſaids Fewes of all Lands, and others belanging to the ſaids Biſhopricks; and als ratification of their ſaids tacks of all teyndes perteining thereto. Of the whilks at the day and date hereof, there are ten yeares crops of the ſamine to run. The double of the yearly ſilver duetie, conteined in their ſaids fewes and tacks, and the ſingle of the victuall duetie, and of all others dueties expreſſed therein. And that by and attour the yearly duetie expreſſed in their ſaids fewes and tacks. The whilks dueties, for greſſum, entreſſe and compoſition, the haill Eſtates of Parliament declares, ſhall be payed by the ſaids Fewers, Tackſmen and Tenants, within year and day, after they be lawfully cited to that effect, and for that ſamine cauſe; or after the intimation of the ſamine be made to them, by the Biſhops in their awn Courts. And in caſe of not thankfull payment, of the double of the ſaid ſilver duetie, and of the ſingle of the ſaid victuall, and others dueties to be payed within year and day, after the ſaid citation and intimation, as ſaid is.

The ſaids Eſtates of Parliament, findes and declares, that the ſaids Fewers and Tackſmen ſhall be aſtricted to pay after the expyring of the ſaid year and day, thankfull payment not being made within that ſpace of the foreſaids greſſums, entreſſe and compoſition, extending to the quantitie above-written: the quadruple of the ſilver duetie, and the double of the ſaid victuall, and others dueties foreſaids, to be payed to the ſaids Biſhops, by and attour the yearly dueties conteined in the ſaids fewes and tacks, as is foreſaid. And the ſaids Eſtates ordeines and declares, that if there be not ten years compleit to run of the ſaid tacks and teyndes, perteining to the Kirks of the ſaids Biſhopricks, after the day and date hereof; in that caſe the Tackſmen on nawyſe ſhall be aſtricted to pay any greſſum, entreſſe or compoſition for the ſamine to the ſaids Biſhops, but they to be free thereof.

Attour, the ſaids Eſtates declares, that the ſaid Act and Ordinance of Parliament, ſhall nowyſe be extended, comprehend nor prejudge any fewes of Biſhopricks, lawfully ſet and confirmed before the ſaid Act of annexation, whilk was in the ſaid Moneth of July 1587. years. Excepting and reſerving alwayes forth of this preſent Act, all diſpoſitions made of whatſomever Patronages of Kirks perteining to the ſaids Biſhopricks, diſponed by lawfull Titulares, and the Kings Majeſty, and ratified in Parliament, in favours of whatſomever perſon or perſons, and nane others. And findes and declares all diſpoſitions whatſomever, made of the foreſaids patronages of all Kirks perteining to the Biſhopricks diſponed by the lawfull Titulares, and his Majeſty, and not confirmed in Parliament, to be of nane availl, although the ſamine patronages be granted and diſponed by the Kings Majeſty, and Titulares thereof. And likewiſe, excepting and reſerving all common Kirks, perteining of auld to the ſaids Biſhops, and their Chapter in commountie, whilks are diſponed by his Majeſty, to whatſomever perſon at any time preceeding this preſent Act. And the ſaids Eſtates declares, that if there be any common Kirks perteining to the ſaids Biſhopricks, and to their Chapters of auld, that now perteins and falls to them by vertue of this preſent Act. That thereby the Miniſters, wha are lawfully provided to the ſaids common Kirks by preſentation, collation, and admiſſion, and ſerving thereat, ſhall nowayes be prejudged during their life-times; but that the ſaids proviſions ſhall be ſufficient right and warrand to the ſaids Miniſters, to bruike,

joyce

ſoyce and poſſeſſe their common Kirks foreſaids, according as they are provided thereto, for all the dayes of their life-times. Notwithſtanding whatſomever clauſe conteined in this preſent Act, or any other Act of Parliament, that might make any derogation to the ſaids proviſions. Excepting alwayes, and reſerving the Caſtell of *Saint-Andrewes*, Caſtell yardes of the ſamine, diſponed to *George* Earle of *Dumbar*, upon the reſignation of *George* Archbiſhop of *Saint-Andrewes*, diſſolved and diſmembred from the ſaid Archbiſhoprick, by our ſaid Soveraigne Lord and Eſtates, with expreſſe conſent and aſſent of the ſaid Archbiſhop, perſonally compearand in Parliament: Whom to Our ſaid Soveraigne Lord, in place and recompence of the ſaid Caſtell, hes given and diſponed the Proveſtrie of *Kirkhill*, Vicarage, and Arch-Deanrie of *Saint-Andrewes*, to remain with the ſaid Archbiſhop and his ſucceſſours, by and attour ane yearly penſion of three hundreth marks, given to the ſaid Archbiſhop, ſa that the ſaid Caſtell and Caſtell-yards, ſhall nowayes be comprehended in this preſent Act, nor yet ſhall be compted nor eſteemed in any time hereafter, any part or portion of the patrimonie of the ſaid Archbiſhoprick, but ſhall remain with the ſaid *George* Earle of *Dumbar*, his heires and ſucceſſours, as their proper heritage lawfully diſponed to them, and diſſolved from the ſaid Archbiſhoprick. And in like manner the ſaids Eſtates declares, that the foreſaid Act granted in favours of the ſaids Biſhops, ſhall not be extended nor be prejudiciall to the infeftments, rights and titles made to Sir *Robert Melveill* of *Murdocarnie* Knight, his heires and ſucceſſours mentioned therein of the lands of *Monymaill* and *Lethame*, with the Manour-place, yards and bigging of *Monymaill*, and patronage of the Kirk of *Monymaill*, perteining of auld to the Archbiſhoprick of *Saint-Andrewes*. And declares the ſamine infeftment to ſtand in the awne ſtrength, notwithſtanding this preſent Act. Providing alwayes, that the ſaid Sir *Robert Melvill* and his heires, ſuſtain and entertain the Miniſters, ſerving at the ſaid Kirk, upon the fruits of the ſamine Kirk. And notwithſtanding this preſent Act and haill clauſes therein conteined, Our ſaid Soveraigne Lord, with advice foreſaid, having conſidered the Fewers of the Baronie of Glaſgow, to be many in number, and the povertie of the maiſt part of them to be ſic, as they are not habile to furniſh the ordinar charges for renewing their infeftments, have diſpenſed, and by this preſent Act diſpenſes anent the foreſaid clauſe of renewing of Fewes, with ſa many of the ſaids Fewers as have taken their Fewes, without diminution of the rentall, and converſion of the victuall, and other dueties of ſilver. And wha ſhall obtaine ane ratification from *John* now Archbiſhop of Glaſgow of the ſaids fewes and rights, before the feaſt of Alhallowmeſſe next to come. And declares the Fewes lawfully ſet, as ſaid is, to the ſaids perſons, valide and effectuall, their heires, ſucceſſours and aſſignayes, alwayes entring by the ſaid Archbiſhop, as their immediat ſuperiour; and by his ſucceſſours to their ſaids lands, townes, and poſſeſſions, by Brieves raiſed out of the ſaid Archbiſhops Chancellarie, precepts of *clarè conſtat*, reſignations and confirmations, as uſe is, and paying their few mailles, fermes, moulters, keynes, and others dueties, to the ſaid Archbiſhop and his ſucceſſours in all time hereafter; But prejudice to the Letters of gift, and penſion granted to the Duke of *Lennox*, Sir *George*, Sir *James*, and *Archibald Erſkeins* penſions, forth of the fruits of the ſaid Archbiſhoprick of Glaſgow, to be bruiked by the ſaid Lord Duke during his life-time allanerly.

Act anent the Dilapidation of Biſhopricks.

CHAP. III.

OUr Soveraigne Lord and Eſtates of Parliament, having conſideration of the Act made in the tenth Parliament, halden by his Heighneſſe in the year of God ane thouſand five hundreth foureſcore five yeers, and in the eleventh Act of the ſaid Parliament, conteining diverſe cautions and proviſions, tending to reſtraine beneficed perſons, from away putting of any part of their benefice, whereby the ſaids benefices may be left in worſe eſtait nor the ſamine was at their entry thereto; as the ſaid Act doeth at mair length contein. Hes ratified and approven the ſaid Act in all the articles, heads,

heads and circumſtances thereof; declaring the ſamine to remaine in full ſtrength, and to have the effect and force of ane perpetuall law and ſtatute in Parliament in all time coming, with thir additions. They are to ſay, that it ſhall no wiſe be leſome to any perſon provided or to be provided to ane Biſhoprik within this Realme; to diſpone or give in penſion any part of the patrimonie of the ſaid Biſhoprik, whilk ſhall indure and laſt langer ſpace nor the giver of the ſaid penſion ſhall bruke the ſaid Biſhoprik. And if it ſhall happen the ſaids perſons provided to the ſaids Biſhopriks now, or in any time to come, to diſmember any part of their ſaids benefices or patrimonie thereof. Our Soveraigne Lord, and Eſtates of Parliament, decernes and declares all ſic facts and deeds to fall under the compaſſe, perrell and danger of dilapidation of benefices, and to ane expreſſe ſpace and kind of dilapidation. And be reaſon it hes ever been found neceſſar in all times paſt, that the ſewing of lands, ſetting of tackes, and doing of ſic other lawfull deeds, by whatſomever Biſhop and Prelate within this Realme, of any part of the patrimonie of their ſaids benefices, ſhould have the conſent of the maiſt part of their Chapter, without whais conſent, had and obteined to the ſaids deeds in haill, or the maiſt part thereof, was no wiſe leſome to the ſaids Prelats to doe any of the ſaids deeds. Therefore, the ſaids Eſtates, according to the written Lawes made thereanent, and cuſtome perpetually obſerved in ſic caſes of before; finds and declares, that na Biſhop within this Realme, may ſet in few, tack, or otherwiſe, nor doe any other deed in the diſponing of any part of the patrimonie of their ſaids Biſhopriks, without the advice, conſent and aſſent of their chapters, or the greateſt number of them, duely procured and obteined thereto. In the purchaſing of whais conſent, it ſhall no wiſe be requiſit to have their ſaids chapters chapterlie conveened (but the ſaids deeds being otherwiſe lawfully done, and ſubſcribed by the maiſt part of the ſaid chapter) the not meeting and conveining chapterlie at the time of the making of the ſaids rights, and ſubſcribing thereof, ſhall furniſh na ground where-upon the ſaids facts and deeds may bee quarrelled, or the ſaids rights and titles impugned or annulled, through the cauſe or occaſion foreſaid. Whilks chapters decerns and declares, to remain now and in all time coming, according to the foundation of the ſaids Biſhopriks, and as hes bene in times bygane, without any kind of alteration to be made therein. Excepting alwiſe, the chapter of the Archbiſhoprik of *Saint Andrews*, the alteration whereof (whilk is made in maner under-written) neceſſarly proceeded in that the ſamine conſiſting of before the Priory of *Saint Andrews*, is ſuppreſſed by the new erection of the ſaid Priory, whereby the ſaid chapter ceaſes. And therefore, the ſaids Eſtates hes declared and declares that the ſaid Chapter of *Saint Andrews*, hereafter ſhall conſiſt of the number of the perſons following, *viz.* Of ſeven perſons of the Miniſtrie, dwelling and having their charge within his Diocie of *Saint Andrews*, to be elected and nominat by the ſaid Archbiſhop himſelf, to be perpetuall convent, and chapter of the ſaid Archbiſhopry in all time coming; and after the deceaſe or removing of any ane or ma of them, from their preſent places and function within the ſaid Diocie, the Intrant ſucceeding in that place and charge, to ſucceed alſo in the ſamine roume of the chapter and convent. Reſerving alwayes to the ſaid Archbiſhop and his ſucceſſors their auncient priviledges, that the common ſeal of the ſaid chapter to be made of new by their own advice, ſhall ſerve for their conſents without their ſubſcriptions.

Farther, the ſaids Eſtates findes and decerns, that the preſent common ſeal of the ſaid chapter, being appended to the evidents or rights whatſomever, already made and granted by the ſaid Archbiſhop, hes bene and ſhall be in all time coming, ane ſufficient and perfite conſent of the chapter, and alſe effectuall for ſecuring of the vaſſals and tennents, receivers of the ſaids rights, as the ſamine hes bene in any times of before; and ſa to indure in force hereafter, for conſent of the ſaid chapter, ay and while the election of the ſaid new chapter, and making of the new common ſeal.

Attour, our ſaid Soveraigne Lord, and Eſtates of Parliament, findes and declares, that it is and ſhall be leſome to the ſaids Archbiſhops, Biſhops, and their ſucceſſours, to ſet alſe many tacks of the fruites and duties perteining to the ſaids benefices, either ſhort

or

or long tacks, as they please; and for alse many years as they shall think meet and expedient, whilk may subsist of the law. In doing whereof the saids Estates will make no restraint or limitation of any time to the saids Bishops. And by reason that the duetie of the saids tacks to be set by the persons provided to the saids Bishopricks, or to be applyed, and converted for satisfaction and entertaining the Ministers serving the cure of the Kirks of the saids Bishopricks, and for supplie of the part of their stipends to be given to them. Therefore the Estates ordeins the saids Bishops to have ane carefull regard that the said tacks be set for ane competent dutie, whilk may in some reasonable proportion answering to that whilk is set in tack, be mair meet to supplie ane part of the saids Ministers stipends, whilks dueties of the saids tacks and als the stipends whilks shall be provided to the Ministers, serving at the Kirks of every Bishoprick, shall be in all time coming repute as ane part of the rentall of the saids Bishopricks: whilk shall nowise be hurt, viciat or diminished by the titulare of the said Bishoprick in any time to come. And to the effect that the Ministers of the saids Kirks may bee the mair certainly provided, and the rentall of the Bishopricks may bee made (whilk shall not be altered, as said is) Ordeins all Archbishops and Bishops, who are already provided, or shall be provided in time to come, to make ane sufficient rentall of the patrimonie of ilk Bishoprick, and to give in the same to the Clerk of Register and his deputes, to remaine in his Register, *ad futuram rei memoriam*, and that within the space of ane year, after the date of this present Act, under the paine of ane thousand Markes, to be payed by the person who shall failzie in giving of the said rentall within the space foresaid, to our Soveraigne Lords Collector generall. Of the whilk summe, the said Collector shall be halden to make compt and reckning to the auditours of his Heighnes Checker. Likeas it is provided, that it shall no wise be lesome to the saids Archbishops or Bishops, to hurt or diminish any point or part of the said rentall, to bee given in by them, as said is, whilk will consist chiefly of the quantity of victual and silver, whilk shall be provided to the saids Ministers for their stipends for serving the cures of the Kirks of the saids Bishopricks, as said is, but the said rentall shall remaine in the awne integrity in all time coming. To the effect that the saids Ministers and their successours serving the Kirks of the saids Bishoprioks, as said is, may be assured of certain locall stipends, for the said service; not to be subject to the many charges and alterations, whereby frequently they have been troubled in times preceeding. And last of all, because that the rentall to be given in of the saids Bishoprieks, will consist and be made up, partly of the dueties of the saids tacks to be set, as said is; and that the certaintie of the saids locall stipends stands in the up-giving of the saids rentals, whilk our said Soveraigne Lord and Estates, ordeins to be done with all goodly diligence within the time prescrived thereto; that the Ministers serving the Kirks be not frustrat or disappointed of due satisfaction and recompence for their travels tane in the service foresaid: And that they may be put in certaintie thereof in time to come, wherein the evident well and profite of the Kirk does appear, and manifest the self. And for that cause order is given and forme prescrived for setting of tacks, as the preceeding Articles of this Act proports. Where-throw whatsomever Acts and Constitutions made by any, either Civill or Ecclesiastick Judge, tending to the prohibition and restraint of setting of lawfull tacks by any beneficed person, aught to be annulled; seeing the saids Acts and Constitutions, whilks were made upon any preconceived fear of any laik or want of maintenance for entertainment of the Kirk, or upon any other ground, are now clearly satisfied, by the carefull regard whilk his Majestie, and Estates of this Parliament hes alwayes had, to the advancement of the Kirk, and to the certain provision of the Ministry thereof, with constant stipends. Ane work very necessar, and to be furthered and exped by the present Bishops, and to whose cares and travels, our said Soveraigne Lord and Estates, hes recommended and commits to give over in the certaine provision of the Ministrie, serving at the Kirks of their Bishopricks, with competent and reasonable stipends, answerable and agreeable for their travels and sustentation. And therefore our Soveraigne Lord, and Estates foresaid, Statutes, decerns and declares, all and whatsomever Acts,

Lawes,

Lawes, Statutes, Ordinances and Conſtitutions Eccleſiaſticall or Civill, whilks are alreadie made in time bygane, or ſhall happen to be made in time to come, whereby any beneficed perſon within this Realme, are prohibit and diſcharged to ſet any tacks of teinds, (whilks tacks may ſubſiſt of the law, and whilks Acts and Ordinances may directly or indirectly ſeeme to infringe and annull the ſaids tacks lawfully ſet, as ſaid is, or to inflict any paine or puniſhment upon the ſetters thereof) to be altogether null and of none avail, and to have no ſtrength, force nor effect now and in all time coming; ſick like as if the ſamine had never bene made; whilks all and others Acts, Ordinances and Conſtitutions to be made anent the premiſes, and whilk may tend to the like end in any time to come, our Soveraigne Lord and Eſtates ſimpliciter diſcharges for now and ever.

Anent forefaulted perſons and their reſtitution by way of Grace.

CHAP. IIII.

OUR Soveraigne Lord perfitely underſtanding that the due puniſhment inflicted to traitours and rebels, and the rewardes rightly diſtributed to faithfull and well deſerving ſubjects, encourages the better ſort in well doing, and is ane terrour to the evil diſpoſed to give with-gate to their inclination. In conſideration thereof, with advice and conſent of the Eſtates of his Heighnes Parliament, Ratifies, approves and perpetually confirms the proceſſes, ſentences and domes of forefaultours, led, deduced and pronounced againſt *Francis* ſometime Earle of *Bothwell*, umwhile *John* ſometime Earle of *Gowrie*, and umwhile Maiſter *Alexander Ruthven* his brother their memory; together with the Acts made anent the inhability of the poſterity of the ſaids traitours. And decernes, declares, ſtatutes and ordeins, that the gracious reſtitution to be given by his Majeſty, or any of his ſucceſſours, to any perſon or perſons alreadie forefaulted ſince his Majeſties perfite age; or wha in any time comming ſhall happen lawfully to be forefaulted by his Majeſty, or any of his ſucceſſours, or to their heires or their ſucceſſours, ſhall nowiſe hurt or prejudge any of his Heighneſſe ſubjects in the right and ſecurity obteined or to be obteined by them or any of them, of the lands, poſſeſſions, tacks, rights, goods or geare pertaining to the ſaids forefaulted perſons rebels, and fallen to our ſaid Soveraigne Lord, or his ſucceſſours by their rebellion and forefaultour: but that the ſamine lands, poſſeſſions, tacks, rights goods and geare whatſomever, fallen to his Majeſty in manner foreſaid, and lawfully diſponed by his Highneſſe, or hereafter to be diſponed by him, or his ſucceſſours, to any of his or their lawfull ſubjects, ſhall perpetually remaine with, and appertein to the receivers of the ſecurity and diſpoſition thereof. Notwithſtanding the ſaid gracious reſtitution, to be obteined by the ſaids forefaulted perſons or their heires or ſucceſſours, whilk ſhall be na farther extended; nor have na farther force nor effect, but for the rehabilitation of their perſons allanerly; and nowiſe to be extended to the lands, poſſeſſions, tacks, rights, goods or geare perteining to them before their forefaultour, and lawfully diſponed to any of his Heighneſſe obedient ſubjects, at ſick time as the undoubted right thereof ſtood in his Heighneſſe perſon, fallen and becommen in his Majeſties hands, by vertue of the ſaid forefaultour. And becauſe the perſons forefaulted, their children and friends, in prejudice of his Heighneſſe donatours, and others his Majeſties obedient and dutifull ſubjects, abſtracts and abſents the evidents, tacks and ſecurities of the lands, roumes and poſſeſſions of the ſaids forefaulted perſons. It is therefore ſtatute and ordeined, that notwithſtanding the abſtracting and abſenting by any perſons of the evidents, tacks and ſecurities of the lands and poſſeſſions whilks perteined to any forefaulted perſons, and whereof the rights being either diſponed or confirmed by his Majeſty, the ſaids diſpoſitions or confirmations are extant in his Heighneſſe Regiſter, that the extract thereof forth of the Regiſter ſhall be alſe good, and ſufficient title and right to his Majeſties donatours, and others his obedient and dutifull ſubjects, having right thereto, for bruiking and joyſing of the ſaids lands and poſſeſſions, as if the principall and originall evi-

dents,

dents, tacks and securities were yet extant. And that the saids evidents and securities shall not be decerned to make na faith or to be improven, for not production of the originall and principall, the saids extracts or confirmations being produced by his Majesty, or his donatours and others foresaids. And they being content to abide at the verity of the deed, and tryell not onely of the truetth of the confirmation, but also at the treuth of the writ whilk is insert in the confirmation, whereof the principall is abstracted.

Act anent the rivers of Tweid and Annand.

CHAP. V.

OUR Soveraigne Lord, and Estates of Parliament, understanding that in the Act made in his Heighnesse Parliament, in the year of God ane thousand sex hundreth years, whereby the slaying of Salmond fish in forbidden time, or of Kipper, Smolts or black fish, at any time was declared to be thift; and the committers thereof were ordeined to be punished for the samine as for thift. The Rivers of *Tweed* and *Annand* were then excepted, because the saids Rivers at that time divided at many parts, the bounds of *Scotland* and *England* adjacent to them, whereby the forbearance upon the Scots part of the slaughter of Salmond, in forbidden time, and of Kipper, Smolts and black fish, at all times wald not have made Salmond any mair to abound in these waters, if the like order had not bene then observed upon the English side. Whilk impediment, through the infinite mercy of GOD, being now removed, by the most happy uniting of baith the Kingdomes in ane Empire, in the Royall person of his most Excellent Majesty, undoubted and righteous Monarch of the samine. Whereby the inhabitants of this haill Ile, are equally subject to his sacred Person and Lawes; and the remeed of their harmes, and the redresse of their abuses, punishment of their transgressions, and establishment of their universall well belangs to his charge.

Therefore our Soveraigne Lord and Estates of his Heighnesse Parliament, clearly understanding that the cause of the said exception is now removed, Ratifies and approves the said Act of Parliament, anent the forbidding the slaughter of Salmond, Kipper, Smolts and black fish, in manner abovewritten, and paines of thift and death, decerned against the contraveiners thereof. And retreats perpetually and annuls and abrogates the said exception of the saids waters of *Tweed* or *Annand*. And decernes and declares, that in all time coming, the contraveiners of the said Act, or any part thereof, in the waters of *Tweed* or *Annand*, or any part of the samine, shall underly the paines foresaids of thift and death, according to the quality, rank and estate of the committers thereof, and as if the first Act had bene generall, and the said exception had never been conteined therein.

Anent the Customes betweene Scotland and England.

CHAP. VI.

OUR Soveraigne Lord, and Estates of this present Parliament, statutes and ordeines that the Fermers of the Customes in *Scotland* doe keep ane originall book of all the goods that are entred and shipped for *England*, the ships name, place and masters name, and to what port the ship is bound, and to keep the entresse of every port by themselves. And also ane other originall buike of the goods brought from *England*, the ships name, maisters name, of what port, and from what port the ship comes, to keep the entresse of every port by themselves; and every halfe yeare the Fermers of *Scotland*, to send ane true copie of the samine buikes to the Fermers of *England*; and, the Fermers of *England* to doe the like to the Fermers of *Scotland* and anes yearly; likewise to send the ane to the other, all the returnes, whilk come from either Kingdome, for discharge of their bands, to examine if they be not falsified, whilk being examined, shall be returned back againe.

Sicklike, It is statute and ordeined, that the Coquet doe passe in the names of the

principall awners of the goods laiden in every ſhip, and not in poor mens names, ſcarſe lyk awne in *England*.

Item, that order may be taken that na gear nor merchandize be ſuffered to paſſe by land from *Scotland* into *England*, nor from *England* into *Scotland* by the waſte grounds and waſtes.

It is ſtatute and ordeined, that goods carried by land from *Scotland* to *England*, or brought from *England* to *Scotland*, may paſſe onely by the wayes of *Berwick* and *Carleill*, and by no other way, to prevent all fraud. And that all Merchants doe bring ane certificat from the Fermers deputes of *Edinburgh* to the Fermers deputes of *Berwick* and *Carleill*; and alſo the Fermers deputes of *Berwick* and *Carleill*, to give the like certificat for all goods paſſing theſe wayes, for *Edinburgh* or any other Citie or towne in *Scotland*; and to keep originall buikes thereof, under the paine of warding of the perſons of them wha ſhall contravein this preſent Act, or any point thereof, and eſcheating and confiſcation of the haill goods, geare and merchandize, whilk any perſon or perſons ſhall tranſport betwixt *Scotland* and *England* otherwiſe nor is preſcrived in this preſent Act.

Anent Gleibs in Paſturage and ſowmes graſſe.

CHAP. VII.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, underſtanding that by Act of Parliament, anent the deſignation of Manſſes and Gleibs to Miniſters, It is ordeined, that there ſhall bee foure aikers of land deſigned to ilk Miniſter for his Gleib next adjacent to the Kirk. And ſeeing that by the iniquity of time and diſorder of the Borders and Hieland of this Realme in time bygane; There are ſundry Kirks within the ſamine whilk hes na arrable land adjacent thereto, but onely paſturage; ſa that by the foreſaid Act of Parliament, made anent the deſignation of foure aikers of land onely for the Gleib of ilk Miniſter, and na farther. The Miniſters ſerving the cure at ſick Kirks as hes na arrable lands adjacent thereto, but onely paſturage, are greatly hurt and defrauded. For remeed whereof, It is ſtatute and ordeined that in all time coming, there be deſigned to the Miniſter ſerving at the cure of ſic Kirks where there is na arrable land adjacent thereto, foure ſowmes graſſe for ilk aiker of the ſaids foure aiker of Gleib land, extending in the haill to ſixteen ſowmes; for the ſaids foure aikers, and that of the maiſt commodious and beſt paſturage of any Kirk lands, lyand next adjacent and maiſt neareſt to the ſaids Kirks. And ordeins letters to be direct againſt the poſſeſſours thereof for removing therefra, in the ſamine forme as is appointed by the foreſaid Act of Parliament made anent deſignation of Manſſes and Gleibs of before.

Anent teinding of Cornes.

CHAP. VIII.

IT is ſtatute and ordeined by our Soveraigne Lord, and Eſtates in Parliament, that in time coming in all teinding of cornes, that the ſamine bee teinded at three ſeverall times every yeare, if the awners of the cornes ſhall think it expedient: To wit, the croftin field corne at ane time, the beer at ane other time, and the out-field corne at the third time. And declares that fifteene dayes after the compleit ſhearing of ilk ſort of cornes being out run, that it ſhall be leſome to the awners at the ſaid fifteene dayes end, to make requiſition upon ſeven dayes to make them thankfull teinding; and if the awners get not thankfull teinding at the expiring of the ſaids ſeven dayes, the ſaids Eſtates declares, that it ſhall be lawfull to the awners of the ſaids cornes, to teind and ſtack the ſamine themſelves, conforme to the Act of Parliament made of before, anent the teinding of corns in all poynts, and ſhall incurre na danger therethrow.

Anent

Anent auld decreits of ejection and ſpuilyie in the Borders.

CHAP. IX.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, being carefull that the ſetled and peaceable eſtate, happily begun in theſe parts of this Countrie, whilk were the late Borders, foreanent *England*, may be ſa maintained, as all occaſions of diſturbances thereof may be providently foreſeene, and conveniently remeeded. And underſtanding, that na thing is mair habile to bring diverſe of the inhabitants of the ſaid Borders to deſperate courſes and turbulent enterpriſes, then the rigorous execution of auld decreets, obteined againſt them or their predeceſſours, twenty yeares before his Majeſties happy ſucceſſion to his Crown of *England*, ſpecially where the ſaids decreets of their awne nature, may bring the danger of the yearly violent profits upon the perſons againſt whom the ſaids decreets were obteined; and thereby ſummonding oftentimes their haill valiant, if they be put to extreme execution, will give the party occaſion of ſic diſpare, as may induce them to attempt ſa dangerous remedies, as may diſturbe the generall quietneſſe, to renew and begin hot and bloodie feeds amongſt parties. For remeed whereof, and to the effect ſic auld decreits of ejection or removing, as were obteined twenty yeares before his Majeſties coming to the Crowne of *England*, and na execution ſought nor obteined there-upon, during the ſaid ſpace of twenty yeares preceeding his Majeſties obteining of the Crown of *England*, may not urge and drive them to diſpare and miſery, ſic as have three yeeres bygane conteined themſelves in all dutifull obedience to his Majeſties authority and lawes.

Therefore his Majeſtie and Eſtates foreſaids, ſtatute and ordaine, that all ſic decreits of ejection and removing, and all effect and execution that any way may follow thereupon, ſhall ceaſe, and in all time coming be voyd. Except for obteining of poſſeſſion to the parties in whais favours the ſaids decreits were pronounced, of the lands conteined; and payment to them of the ordinar profites, whilks the ſaids lands have payed, to the perſons againſt whom the ſaids decreits were given, of the yeares ſince his Majeſties going into *England* allanerlie, and of na others yeares preceeding the ſamine. With ſpeciall proviſion, that in caſe the perſons againſt whom the foreſaids decreits of removing or ejection were given, ſhall happen hereafter to be lawfully denounced rebels, and put to the horne, for not obedience of the foreſaids decreits; they being firſt charged after the day and date hereof, by all the charges conteined in the letters raiſed or to be raiſed upon the ſaids decreits to obey the ſamine. In that caſe, the ſaids Eſtates of Parliament, declares that the perſons obteiners of the foreſaids decreits, ſhall have ſufficient action againſt the perſons defenders, ſpecified in the ſaids decreits for the violens profites of the lands mentioned thereintill, continually ſince the obteining of the foreſaids decreits, as accords of the law, notwithſtanding this preſent Act.

Act anent directing Letters of Horning on Sheriffes, Stewarts and Baillies decreits.

CHAP. X.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, ordeins for the greater furtherance and better execution of juſtice to all his Majeſties leiges, and eſchewing of the ſuperfluous and unneceſſar charges, whilks they ſuſtein by poinding on decreits, obteined before Sheriffs, Stewarts and Baillies, alſwell of Royalty as Regality, that the like letters and execution of Horning bee direct and granted by the Lords of Seſſion, upon all Acts, Decreits and ſentences of Sheriffs, Stewarts and Baillies alſwell of Royalty as Regality, as are granted and direct upon decreits, and ſentences of Proveſt and Baillies within Burgh, conforme to the Act of Parliament made there-anent, and after the forme and tennor of the ſamine in all points.

Anent Coalyers and Salters.

CHAP. XI.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, ſtatutes and ordeins, that no perſon within this Realme hereafter ſhall hyre or conduce any Salters, Coalyers or Coal-bearers, without ane ſufficient teſtimoniall from their Maſter whom they laſt ſerved, ſubſcryved with his hand, or at leaſt ſufficient atteſtation of an reaſonable cauſe of their removing, made in preſence of ane Baillie, or ane Magiſtrat of the part where they came fra. And incaſe any receive fee, hyre, ſupply or entertain any of the ſaid Coalyers, Salters, or Coal-bearers, without ane ſufficient teſtimoniall, as ſaid is; The Maſters whom fra they came, challenging their ſervants within year and day, that the party whom fra they are challenged, ſhall deliver them back again within twenty foure houres, under the pain of ane hundreth pounds, to be payed to the perſons whom fra they paſſed, and that for ilk perſon; and ilk time that they or any of them ſhall happen to be challenged, and not delivered, as ſaid is. And the ſaids Coalyers, Coal-bearers, and Salters, to be eſteemed, repute and halden as theeves, and puniſhed in their bodies, *viz.* Sa many of them as ſhall receive fore-wages and fees. And the ſaids Eſtates of this preſent Parliament, gives power and commiſſion to all Maſters and awners of Coal-heughs and Pannes, to apprehend all vagabonds and ſturdie Beggers to be put to labour.

Act anent ſetting of Fewes by ſub-vaſſals of Ward lands.

CHAP. XII.

OUr Soveraigne Lord and Eſtates of Parliament, having conſideration of the Act and Statute, made by his Highnes Predeceſſour, King JAMES the ſecond of worthie memory, in the fourteenth Parliament, halden by his Majeſty, and 72. Chapter of the ſaid Parliament, anent the ſetting of Lands in Few-ferme, as the Act it ſelf at length conteines. Under the pretext and colour whereof, divers perſons halding their lands of others Superiours, for ſervice of ward and relief, have ſet the Lands halden by them, as ſaid is, in Few-ferme, to others their ſub-vaſſals, for payment of ane Few-ferme duetie, whereby they do manifeſt prejudice to their ſaid Superiours, in altering of the ſaid firſt halding, expreſſe repugnant to the meaning of the ſaid firſt Act. Whereas the ſaid halding can nawayes be altered by the vaſſals, without ſome direct deed done by their Superiours, tending to approve the ſaid diſpoſition, and whilk may alter the nature and condition of the ſaid firſt halding. For remeed whereof our Soveraigne Lord and Eſtates of Parliament preſently conveened, hes ſtatute and ordeined, and by the tenour of this preſent, ſtatutes and ordeins in all time-coming, that it ſhall nawayes be leſome to the vaſſals of any Earle, Lord, Prelat, Baron, or any other Free-halder within this Realm, wha halds their lands of their ſaid Superiours, by ſervice of Ward and relief, to ſet their ſaids lands whilks are halden by them, as ſaid is, to any other perſon in few, for payment or ane Few-ferme duetie, in prejudice of their ſaids over-Lords, whom of they hald the ſaids lands, by ſervice of ward and relief, as ſaid is, without the ſpeciall advice and conſent of their ſaids Superiours, had and obteined to the ſetting of the ſaids lands in Few-ferme, or purchaſing of the ſaids Superiours confirmation to the ſaid diſpoſition, if any ſhall happen to be made, as ſaid is. And incaſe any ſic alienation ſhall happen to be made in any time to come, without conſent of the ſaids Superiours, or their confirmation obteined to the ſamine, Our ſaid Soveraigne Lord and Eſtates of Parliament, findes, decernes and declares, all ſic diſpoſitions to be null and of nane avail, force nor effect, either by way of action or exception.

Anent

Anent laying of Lint in Lochs.

CHAP. XIII.

OUR Soveraigne Lord, and Eſtates of Parliament, finding that the laying of Lint in Lochs and Burnes, is not onely hurtfull to all fiſhes bred within the ſamine, and beſtiall that drinks thereof; but alſo the haill waters of the ſaids Loches and Burnes, thereby being infected, is made altogether unprofitable for the uſe of man, and very noyſome to all the people dwelling there-about. Therefore ſtatutes and ordeines, that na perſon nor perſons in time-comming, lay in Lochs and running Burner, any green Lint, under the pain of fourty ſhillings, *toties quoties*, for ilk time they ſhall contravein; and als confiſcation of the Lint to be applyed to the poore of the parochin, within the whilks the ſaids Lochs and Burnes lyes. And by the tenour hereof, gives power to the Seſſion of the Kirk of ilk parochin, to try, cognoſce, and put this preſent act to execution, and to up-lift the unlawes, and confiſcat and diſpone upon the ſaid Lint, to the well of the poor of the parochin, as ſaid is.

Act in favours of his Majeſties Vaſſals for payment of their blench dueties.

CHAP. XIIII.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, remembring the great favour ſhawne and born by his Highnes and his Predeceſſours, to the Noblemen, Barons, and others ſubjects of this Realme, and their predeceſſours, for their notable and memorable facts and ſervices done to his Majeſty and his Predeceſſours, in defence and welfare of the Realme, in making and granting to them of heritable infeftments of their Lands, Baronies, Lordſhips, Caſtels, Towres, Fortalices, Woods, Mylnes, Salmond, Fiſhings, Offices and others therein conteined, halden of our ſaid Soveraigne Lord and his Predeceſſours, in free blench ferme, for payment of certaine blench-ferme dueties, expreſſed in their infeftment; not as any burden or yearly duetie, but by way of acknowledging and recognoſcence, if the ſamine dueties ſhall be required allanerly. And that notwithſtanding thereof, within thir late and few yeares, the ſaids Noblemen, Barons, and others our Soveraigne Lords Lieges and Subjects, wha halds their Lands and others foreſaids of our ſaid Soveraigne Lord in free blench, are yearly without any juſt cauſe burdened, urged and compelled by charges to make payment in his Highnes Chequer of certain ſummes of money, as for the prices and valour of the ſaids blench dueties; there being na ſic ſummes of money nor prices conteined in their ſaids infeftments. For remeid whereof, Our Soveraigne Lord, with advice of the ſaids Eſtates, findes, decernes and declares, that the Noblemen, Barons, and others Lieges and Subjects, wha halds their Lands and others foreſaids of his Majeſtie in blench-ferm, are onely juſtly addebted in payment of the blench-dueties, expreſſed and ſet down in their infeftments, if the ſamine be required allanerly. And that they aught nowayes to be burdened, troubled or charged for ſummes of money, as prices for the ſaids blench-dueties. And that notwithſtanding whatſomever act or ordinance made by the Lords of his Highnes Chequer, or others acts or ordinances whatſomever, of whatſomever years by-gane or to come, the whilks this preſent act ſhall make and makes full derogation. And therefore Sir *Thomas Hammiltoun* of *Monkland* Knight, Advocate to our Soveraigne Lord, in preſence of the ſaids Eſtates, proteſted in his Highnes Name, that the blench-dueties and ſpecies thereof conteined in the foreſaids infeftmens, be conforme to the Kings Majeſty and his Succeſſours Eſtate and dignitie. And there-upon the ſaid Lord Advocate asked inſtruments.

Act anent Seasings to be given on precepts of the Chancellarie.

CHAP. XV.

OUR Soveraigne Lord and Estates of this present Parliament, Ratifies and approves the act made of before by King JAMES the fifth of good memory, whereby it was statute and ordeined, that all Seasings given by vertue of any precepts direct forth of the Chancellarie, should be given by the Sheriffs of the Shires, Baillie or Stewarts where the lands lyes, their Deputes and Clerk, as in the said act of the date the tenth day of December, the year of God 1540. yeares at mair length is conteined, in all and sundry points, heads, articles, clauses and conditions of the samine, sa far as the samine extends or may be extended to Seasings past upon precepts direct forth of the Chancellarie upon Retours allanerly. And the said Estates of Parliament, decernes and declares the samine act made by King JAMES the fifth of the date above-written, to have been onely made for sic Seasings as are given by vertue of precepts, that passes upon Retours, and to nane others Seasings direct upon any other precept, direct forth of the Chancellarie.

Act in favours of the Burrows Regall.

CHAP. XVI.

OUR Soveraigne Lord, and Estates of Parliament, Ratifies, approves agd confirms all acts of Parliament and Lawes, with all Freedomes, Priviledges, Immunities and Liberties, granted to the Burghs Regall within this Realme by our Soveraigne Lord, or any of his Highnes Predecessours at any time before. And decerns and declares the said Burrows, and every ane of them to have good right to bruik their said priviledges and liberties, as they were wont to do before.

Act for staying of unlawfull Conventions within Burgh, and for assisting of the Magistrates in execution of their Offices.

CHAP. XVII.

OUR Sovveraigne Lord and Estates of this present Parliament, Ratifies and approves all and whatsomever acts made heretofore by his Majestie, and his Highne. Progenitours, and the Estates of the Realme, for staying of all tumults and unlawfull meetings and conventions within Burgh. And ordeines the samine to have effect, and to be put to due execution against the contraveiners in all points. With this addition, That na person nor persons within Burgh, of whatsomever rank, qualitie or condition they be of, presume nor take upon hand from this forth under whatsomever colour or pretext, to convocate or assemble themselves together at any occasion, except they make due intimation of the lawfull causes of their meetings to the Provest and Baillies of that Burgh, and obtein their Licence thereto; and that na thing be done nor attempted by them in their said meetings, whilk may tend to the derogation or violation of the acts of Parliament, lawes and constitutions made for the well and quietnesse of the said Burghs. Declaring by thir presents, the said unlawfull meetings, and the persons present thereat to be factious and seditious, and all proceedings therein to be null and of nane availl. And the said persons to be punished in their bodies, goods and geare, with all rigour, conforme to the lawes of this Realme.

And to the effect the said unlawfull meetings with all others tumults, turbulances and pleyes that shall happen to fall out within the said Burrowes, may be substantiously suppressed, Ordeines the haill inhabitants of the said Burrowes, at all occasions to readily assist and concur with the Magistrats and Officiars thereof, for settling of the said tumults and turbulances, and punishing of the said authors and movers thereof. And sic as shall not concur and assist with the said Magistrates readily, or their Officiars, for redding

redding and settling of the saids tumults and turbulances, as said is, shall be repute and halden as fosterers and maintainers of the saids tumults, and punished therefore in their persons, and unlawed in their goods at the arbitriment of the Magistrats and Councell of the said Burgh; and ordeins publication to be made hereof at the market Crosses of the saids Burrowes, that nane pretend ignorance thereof.

Dissolution of Huntingtour *and* Strathbrane.

CHAP. XVIII.

OUR Soveraigne Lord and Estates of Parliament presently conveined, considering that the setting of the lands of the annexed propertie in Few-ferme, for payment of the auld rentall, with augmentation, is greatly to his Majesties benefite and profite, his Highnes rentall thereby being made sure, unchangeable, unalterable, and nowayes liable to be disponed and annalied; Hes therefore dissolved, and by the tenour of this present act of Parliament, dissolves from the act of annexation of the lands of the Earledome of *Gowrie*, and Lordship of *Huntingtour*, alias *Ruthven*, the haill lands perteining or belanging to the said Earledome of *Gowrie* and Lordship of *Ruthven*, and in speciall, the lands and Lordship of *Huntingtour*, and the lands of *Strathbrane*; and that to the effect that the samine haill lands (except sic as are hereafter particularly enumerated) may be in Few-ferme letten and heritably disponed, for payment of the auld duty, with augmentation of the rentall. And that the said act be extended in ample forme with all clausses needfull.

It is alwayes declared, that the lands under-written, they are to say, The lands of *Cowgask*, with the teind sheaves thereof, with mylnes, moulters, woods, fishings, parts, pendicles and pertinents of the samine, The lands of *Peill*, *Lethame*, *Easter-Heichame*, *Gudliburne*, hoill of *Huntingtour*, the lands of *Halieland*, few and *Wester-Heichame*, with the pertinents of the samine, being all of the said Lordship of *Huntingtour*, shall be dissolved. To the effect the samine may be set in blench-ferme (for payment of ane penny) to *John* Earle of *Montrose*, &c. And that for many great, reasonable, and seen causses, mentioned in ane particular warrand made for dissolution of the saids lands.

Act of dissolution of the Lowmonds.

CHAP. XIX.

OUR Soveraigne Lord and Estates of this present Parliament, conveined and halden within his Majesties Realme of *Scotland*; Understanding that it is necessar, that the haill lands lyand waste of his Majesties propertie, whereof his Majesty receives na yearly profite, be set in Few-ferme heritably, to sic persons as will give maist therefore, for the augmentation of his Majesties proper rent within this Realme; Hes with ane advice and consent by their decreet in Parliament, dissolved, and by the tenour of this present act dissolves from his Majesties Crown and Patrimony of the samine, all and haill the hills of the *Lowmonds*, and Moores of *Falkland*, with the proper parts and pertinents thereof, annexed of before to his Highnes Crown and Patrimony thereof, now and in all time hereafter, to remain separate and dissolved from all former annexations thereof. To the effect the samine may be set in Few-ferme heritabty, in haill or in part, to sic person or persons as will give maist therefore, in augmentation of his Majesties proper rent.

Act anent Salvo jure cujuslibet.

CHAP. XX.

FOrsameikle as in this present Session of Parliament, there are many Ratifications past, wherein divers and new clauses are insert, whilk may be prejudiciall to parties rights, and derogative to many and divers lawes, lawfully made and established of before. Albeit the meaning of the Estates be at this time as it was ever in all preceeding

ding Parliaments, that by na act of Ratification any other party ſhould be hurt or prejudged. For remeed whereof, it is ſtatute and ordeined, that na Ratification paſt in this Seſſion of Parliament, ſhall be prejudiciall to any private parties right, but that the ſaids Ratifications be alwayes underſtood whither the ſamine be generall or ſpeciall, to be *Salvo jure cujuſlibet.*

A Table of the particular Acts and others, paſt in the XVIII. Parliament, halden at PERTH the ninth day of July 1606. yeares, not imprinted.

1 *Anent the keeping of the Kings Houſe.*
2 *Act anent the Taxation and collecting thereof.*
3 *Act anent the granting of the Taxation.*
4 *Ratification to the Earle of* Dumbar *of the Earledome of* Dumbar, *and other Lands.*
5 *An acquittance and diſcharge to the Earle of* Dumbar *of the Kings Jewels and Garderob.*
6 *Act anent the Chappel-Royall, and exceptions therefra.*
7 *Commiſſion anent the erections.*
8 *Act in favours of the Tenants of* Caſche.
9 *Act in favours of the Archbiſhop of* Saint-Andrewes, *in ſatisfaction for* Monymaill.
10 *Act anent the erection of the Kirk of* Leith *benorth the bridge in a Parock Kirk.*
11 *Act anent the diſmembring of certain townes from the Kirk of* Ellem, *and incorporating the ſamine to the Kirk of* Slanes.
12 *Erection of the Kirk of* Preſton.
13 *Erection of the Kirk of* Portincraig.
14 *Act in favour of the Burgh of* Edinburgh.
15 *Act in favour of the Burgh of* Perth.
16 *Act in favour of the Burgh of* Dondie.
17 *Act in favour of the Burgh of* Aberdein.
18 *Another in favour thereof.*
19 *Act in favour of the Burgh of* Irwing.
20 *Act in favour of the Burgh of* Bamf.
21 *Ratification of the Kirk* Nether-Airlie *to Sir* Thomas Lyon *of* Auldbar *Knight.*
22 *Act in favour of* William *Commendator of* Tungland.
23 *Act in favour of Maſter* John Preſton *of* Pennicuke, *Collector generall.*
24 *Act in favour of* James Hay *of* Fingask.
25 *Act in favour of* Patrick Kinnard *of that ilk.*
26 *Act in favour of Maſter* Alexander Hay *anent the lands of* Dron, *&c.*
27 *Act in favours of* Marjorie Marjoribanks, *the Relict of* John Durie *Miniſter.*
28 *Ratification in favour of the Marqueis of* Hammiltoun, *and Marqueis of* Huntlie *of their dignities.*
29 *Ratification to the Earle of* Angus *and his ſon, of their infeftment.*
30 *Act in favour of the Earle of* Cathnes.
31 *Ratification in favour of the Lord* Lyndeſay.
32 *Act in favour of Sir* John Moncreif.
33 *Ratification in favour of* William Learmonth *of the* Hill.
34 *Act in favour of the Biſhop and town of* Dunkeld.

35 *Ratif.*

35 *Ratification of the School of* Dunkeld.
36 *Act in favour of the Captain and Keepers of the Caſtel of* Dumbartane.
37 *Act in favour of* George *and Maſter* Peter Hayes.
38 *Ratification of the yong Laird of* Calderwood *of ane tack of teinds.*
39 *Ratification to* Bernard Lindeſay *of the Kings wark in* Leith.
40 *Ratification to Sir* Alexander Straton *of* Lowrenſton *of his penſion.*
41 *Ratification in favours of the Laird of* Balmaghie.
42 *Act in favour of the Laird of* Burlie.
43 *Act in favour of the Earle of* Erroll *anent Blanks.*
44 *Act in favour of the Maſter of* Murray *of* Tullibardin.
45 *Ratification in favour of Sir* John Arnot *anent certain tunnes of wine.*
46 *Ratification to the ſaid Sir* John *of his infeftment of the lands of* Orknay.
47 *Ratification to the Laird of* Moncreif *of his penſion.*
48 *Ratification of Maſter* John Drummond *of his office of Clerkeſhip.*
49 *Certain and divers acts anent the erections.*
50 *Act in favours of Maſter* Archibald Moncreif *of his penſion.*
51 *Forfaulture of* Grahame *of* Reidkirk.
52 *Annexation of the parſonage of* Glaſgow *to the Biſhoprick thereof.*
53 *Ratification to the Biſhop of* Galloway *of the Priorie of* Whithorne.
54 *Diſſolution of* Elcho.
55 *Ratification of the Kirk of* Borthwick.
56 *Ratification to the Earle of* Linlithgow.
57 *Ratification of the Baronie of* Segie *to the Lord of* Scoone.
58 *Ratification to the Lord of* Abercorne.
59 *Ratification to the Lord* Ochiltrie.
60 *Ratification to the Lord Chancellar.*
61 *Ratification to the Lord Secretar.*
62 *Ratification to the Lord* Roxburgh.
63 *Ratification to the Lairds of* Balvaird *and* Creich.
64 *Ratification to* James Maxwell *and* Robert Douglas.
65 *Ratification of* Carnagie *of* Kynard.
66 *Ratification in favours of the Laird of* Balnagoun.
67 *Ratification in favours of the Laird of* Barganie.
68 *Ratification to* George Bruce *of* Carnock.
69 *Ratification of the Lord of* Scoone *his penſion.*
70 *Ratification of the Laird of* Kilſyth.
71 *Acts anent the deſerting of Sir* David Woods *ſummonds.*

THE

NINETEENTH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the grace of God, King of Great BRITAINE, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Edinburgh* the eleventh day of Auguſt 1607.

By LODOVICK Duke of Lennox, &c. By vertue of his Majeſties Commiſſion granted to him under the great Seal of this Realme at *Theobalds* the third day of July 1607. with the advice of the Eſtates of this Realme.

Anent ſayers and wilfull hearers of Maſſes.

CHAP. I.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, Ratifies, approves and confirms the twa acts of Parliament made by his Highnes, with conſent of the Eſtates of this Realme. The ane thereof made in his Highnes twelfth Parliament 120. Act, againſt the ſayers of Maſſes, Jeſuites, Seminarie Prieſts, trafficking Papiſts and reſetters of any of them. And the other Act made in his Highnes fourteenth Parliament in the 193. Act, againſt wilfull hearers of Maſſe, in the haill heads, articles and clauſes thereof. And decernes and ordeins the ſamine twa acts to have effect, and to be put to execution againſt the contraveiners thereof in all time-coming; with this addition, that all wilfull reſetters of excommunicat Papiſts, and wha are at the Horne for that ſamine cauſe, after that publica-

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tion be made by the Miniſter, the time of the preaching or prayers at the Paroch Kirk, where the reſetters of the ſaids Papiſts ſhall dwell for the time: Shall pay to our ſaid Soveraigne Lord, and to his Highnes Theſaurer, the penalties conteined in the act of Parliament, made anent non-Communicants. That is to ſay, Every Earle as he ſhall contravein the premiſſes, ane thouſand pounds. Every Lord, ane thouſand markes. Every Baron, five hundreth pounds. Every Free-halder, three hundreth markes. Every Yeoman, fourtie pounds. And to every Burgeſſe according to the modification of the Kings Majeſtie and Lords of Secret Councell. Whilks pains, ordeines our Soveraigne Lords Theſaurer to intromet there-with, and exact the ſamine to his Highnes uſe.

Anent Weights and Meaſures.

CHAP. II.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, having conſideration of the great hurt and ſkaith that his Highnes Lieges hes ſuſteined, and daily ſuſteins, by the great diverſitie and diſconformitie of the Weights, Metts and Meaſures within this Realme. Notwithſtanding of divers and ſundry acts of Parliament made in the contrair by his Highnes moſt worthie Progenitours, and by his Majeſties ſelf, in the Parliament halden at *Edinburgh* the 29. day of July, 1587. And that the negligence of the putting of the acts of Parliament to due execution, is greateſt occaſion thereof.

It is therefore ſtatute and ordeined, that all Shireffs, Stewarts of Royalties and Regalities, Proveſt, Baillies, and Aldermen of Burrowes, ilk ane of them within their awne bounds and juriſdiction, put the ſaids acts of Parliament anent Weights, Metts and Meaſures to due execution, betwixt the date hereof and the firſt day of Januar next to come, under all higheſt pain. Where-throw that there may be ane univerſall conformitie of Weights, Metts and Meaſures throughout the haill Realme. With power alſo to the foreſaids Judges to take tryall of falſe Metts, Weights and Meaſures. And the uſers of the ſaids falſe Weights and Meaſures to amit and tyne their haill goods and gear, and the ſamine to be intrometted with to Our Soveraigne Lords uſe.

Anent deſtroyers of Parks, Woods, Plantings, Dowcats, Bees, Lochs and Stankes.

CHAP. III.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, conſidering how Woods, Parks, and all ſort of Planting and Haining decayes within this Realme; and how Dowcats are broken, Bees ſtollen, mens proper Lochs and Stankes herried, to the great hurt and prejudice of the Countrey, and decay of Policie. Therefore, Ratifies and approves all acts of Parliament made of before, for conſervation of planting and policie: and againſt breakers of Dowcats, ſtealing of Bees; and of Fiſhes forth of mens ſtanks and proper Lochs, in the haill points, articles and clauſes thereof. And ordeines the ſamine to be put to execution againſt the contraveiners thereof. And farther, the Eſtates foreſaids, ſtatutes and ordeins, that whaſoever ſhall be found hereafter to break down his neighbours Woods and Park dykes, fenſes, ſtanks or cloſures, to paſtour within the ſaids fenſes, cut trees, broome, or ſheare graſſe within the ſamine, or yet breaks Dowcats, ſteals Bees and Fiſhes in proper ſtanks and lochs, ſhall be conveined & called therefore as ane breaker of the Law either before the Privie Councell, or any other ordinar Magiſtrat within this Realme, at the option of the partie compleiner; and the penaltie to be impoſed and taken of the contraveiners, before the ſaids ordinar inferiour Judges, not to exceed the ſumme of 40. pounds money of this Realme. And the Secret Councell to impoſe ſic penalties againſt the contraveineers of this preſent act, as after tryal taken in the cauſe, they ſhall find the offence to merit and deſerve; But prejudice alwayes of putting of all former acts of Parliament made thereanent to execution, after the tenour thereof in all points; to the which this preſent act ſhall make no derogation.

Anent Craftſmen.

CHAP. IV.

OUR Soveraigne Lord and Eſtates of this Parliament, Ratifies, approves and confirmes the Act of Parliament made by King *James* the fifth of worthie memory, Intituled, Act anent the conduction of Craftſ-men, whilk is the hundreth and eleventh act, in the haill points, articles and clauſes thereof: And ordeins the ſamine to have effect, and be put to execution in time-coming after the tenour thereof. Notwithſtanding whatſomever act or ſtatute made in the contrare thereof ſenſyne.

Ratification in favours of the Burrowes.

CHAP. V.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, Ratifies, approves and confirmes all and whatſomever acts of Parliament and lawes, made in favours of the free Burrowes of this Realme, at any time of before; with all ancient liberties, priviledges and immunities granted to them by our ſaid Soveraigne Lord, or by any of his Highnes Predeceſſours at any time bygane.

Act againſt unfreemen.

CHAP. VI.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, Ratifies, approves and confirmes all acts, lawes, decreits and priviledges granted or given in favours of his Highnes free Royall Burrowes. And conſidering the great hurt and ſkaith daily ſuſteined by the Burgeſſes inhabitants of his Majeſties Royall Burrowes, wha under-lyes and beares all burdens impoſed upon the Eſtate of Burrowes, in all his Majeſties ſervices, throw the continuall entreſſe of unfree traffickers, dwelling in divers parts of this Realme, not being Burgeſſes of the ſaids Royall Burrowes. And nevertheleſſe, keepes and halds open buiths, buyes and ſells merchandiſe, and otherwiſe uſes the liberties and priviledges of free Burgeſſes, as if they were Burgeſſes and actuall reſidents within the ſaids Royall Burrowes, in manifeſt defraud of our Soveraigne Lords Cuſtomes, and to the prejudice of the liberties of the ſaids free Royall Burrowes. And therefore, ſtatutes and ordeins, that all unfree perſons not being actuall Burgeſſes of the ſaids free Royall Burrowes, wha beares not burden, and payes not taxt and ſtent to his Majeſtie, ſhal deſiſt and ceaſe from uſing of any trade of merchandiſe, or of the libetries and priviledges foreſaids of the ſaids free Royall Burrowes, under the paines conteined in the acts of Parliament, made anent unfree traffickers of before. And that Letters of Horning be direct hereupon, charging whatſomever unfreemen, and uſurpers of the priviledge of the ſaids Burrowes, to finde ſufficient caution for obedience of this act. And als that Letters of Horning be direct upon all acts and decreets of Burrowes, given at their Conventions betwixt Burgh and Burgh, and Burgeſſes of free Burrowes, upon ane ſimple charge of ten dayes without calling of the partie.

Anent

Anent the Stane-heven *within the Meirns.*

CHAP. VII.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, ratifies and approves the act made of before in his Highnes Parliament halden at *Edinburgh* the 15. day of November 1600. yeares, whereof the tenour followes. Our Soveraigne Lord and Eſtates of this preſent Parliament, underſtanding the great prejudice ſuſteined by the Lieges of this Realme, where the Judgement-ſeats of Sheriffs and others Judges are not ſa commodious, neither in building nor ſituation, as the Sheriff, other Judges and their Deputes may conveniently ſit, nor the parties may reſort thereto. And ſpecially that the Sheriff of the *Meirnes*, alias, *Kincardin*, and his Deputes, have been in uſe thir many yeares to ſit at *Kincardin*, where there is neither ane Tolbuith, nor any houſe to parties to lodge into for their entertainment; Nor yet is the place in the midſt of the Shire, whereby the Lieges of the ſaid Sheriffdome are greatly damnified. For remeid whereof, It is ſtatute and ordeined, that the Sheriff of the Sheriffdome of *Kincardin* in all time to come, ſhall ſit and hald their Courts at the *Stane-hive*, as place maiſt meet and convenient to them and to the haill Lieges within the ſaid Shire. And that all precepts to be direct, ſhall be to warne all the parties within their juriſdiction, to compeir to purſue and defend in their Courts at the ſaid Burgh of *Stain-hyve* in all time hereafter.

And farther, his Majeſtie and Eſtates foreſaids, decernes, ſtatutes and ordeins the ſaid Burgh of *Stain-hyve*, and market croſſe thereof, to be in all time-coming the head Burgh of the ſaid Sheriffdome of *Kincardin*, and the market croſſe thereof to be the place at the whilk all Citations, Charges, Denunciations of Hornings and others whatſomever Compryſings, by vertue of whatſomever Decreets, publications of Inhibitions, Interdictions, and of all other Charges and Executions whatſomever, whilks properly belangs and apperteins to be done, uſed and execute at the market Croſſes of the head Burghs of any Sheriffdomes within this Realme, to be uſed and done within the ſaid Sheriffdome of the *Meirnes*, alias, *Kincardin*, ſhall be uſed and execute there in all time-coming. And declares all Citations, Denunciations, Publications, Compriſings, and others Executions o the like nature, to be uſed at any other place within the ſaid Sheriffdome of the *Meirnes*, nor at the ſaid market croſſe of *Stain-hyve*, to be null and of nane ayaill, force nor effect in all time-coming.

Act anent the Chapter of Saint-Andrewes.

CHAP. VIII.

FOrſameikle as the Conventuall Brethren and Channons of the Monaſterie of *Saint Andrewes* were the auncient Chapter and counſell of the Archbiſhop thereof, wha now are decaying, and few of them being on lyve. Likeas the Pryorie and fruits thereof are to be erected in ane Temporall Lordſhip, and neceſſare it is that the ſaid Archbiſhop ſhall have ane conſtant Chapter, according to the auncient policie of the Kirk, and fundamentall Lawes of this Kingdome. Therefore our Soveraigne Lord, with the advice of the Eſtates of this preſent Parliament, Gives, grants, and commits full power and commiſſion to *George* Archbiſhop of *Saint-Andrewes*, to elect and nominat ſeven qualified perſons of the Clergie at the leaſt, dwelling and having charge and adminiſtration within his Diocie, to be the perpetuall Convent, Counſell and Chapter of the ſaid Archbiſhoprick in all time-comming; and after the deceaſe or removing of any ane or mae of them from their preſent place, the intrand ſucceeding to the ſaid charge or place, to ſucceed alſo in that roome of the Chapter or Convent, and yet nevertheleſſe reſerves to the ſaid Archbiſhop and his Succeſſours their auncient priviledge; To wit, that the common ſeal of the ſaid Chapter to be made of new by their

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awn advice, ſhall ſerve for their conſents without their ſubſcription. Attour, it is foundeu and decerned, that the preſent common ſeall of the ſaid Chapter being appended to the Evidents and Rights already made and granted by the ſaid Archbiſhop, hes been and ſhall be in all time-coming ane ſufficient and perfect conſent of the Chapter, and als effectuall for ſecuring of the vaſſals and tenents, receivers of the ſaids Rights, as the ſamine hes been in any time of before; and ſa to endure in force for conſent of the ſaid Chapter, ay and while the election of the ſaid Chapter, and making of the ſaid new common ſeall.

Act *Salvo Jure cujuſlibet.*

CHAP. X.

THE Kings Majeſtie and Eſtates of this preſent Parliament, decernes and declares, that the ratification of any particular Rights, Infeftments, Tacks, Penſions, or others Writs and Evidents, granted to whatſomever perſons in this preſent Parliament, ſhall nawyſe prejudge, hurt, nor derogate the particular Rights of other parties, notwithſtanding they be nor ratified not confirmed at this time by his Highnes and his ſaids Eſtates.

A Table

A Table of the particular Acts and others, paſt in the XIX. Parliament, halden at EDINBURGH the eleventh day of Auguſt 1607. not imprinted.

1 *Act of ratification of the Queenes infeftment of* Dumfermling.
2 *Act anent the union of the two Realmes.*
3 *Act anent the Miniſters ſtipends, and the Kings Blenches in Erections.*
4 *Act anent the Chapter of* Saint-Andrewes.
5 *Act of the annexation of the Kirk of* Megle *to the Biſhoprick of* Dunkeld.
6 *Act anent the Bridge of* Crawmond.
7 *Commiſſion anent Grammer Schooles.*
8 *Act in favours of the Earle of* Murray.
9 *Act in favours of the Earle of* Argyle *for* 20. *chal. furth of* Kintyre.
10 *Act anent the erection of* Kelſo, *in favours of the Lord of* Roxburgh.
11 *Act in favour of the Earle of* Erroll.
12 *Ratification in favour of the Lord* Salton.
13 *Ratification in favour of Sir* William Seyton *and his ſonnes.*
14 *Ratification of the Lord Advocats infeftment of* Binning.
15 *Ratification of the Laird of* Ormeſton *Juſtice Clerk of his infeftment.*
16 *Erection of* Bewlie *in favours of* James Hay.
17 *Ratification of the Laird of* Balvaird *and his infeftment.*
18 *Act in favour of* John Murray *of the Kirk of* Annand.
19 *Ratification of the Laird of* Balcarhouſe *of his infeftment.*
20 *Ratification to the Conſtable of* Dondie *of his infeftment.*
21 *Act in favour of Maſter* James Durhame *of ane hie gate.*
22 *Act in favour of Maſter* Alexander Craig *of his penſion.*
23 *Act in favour of* John Strang *of his infeftment of* Kilrinnie.
24 *Act in favour of* Thomas Perſon *of his infeftment in* Arbroth.
25 *Act in favour of the Laird of* Ruthvene.
26 *Act in favour of the Earle of* Orknay.
27 *Act in favour of the Univerſitie of* Saint-Andrewes.
28 *Act in favour of Maſter* George Yong *and* James Primroſe *of their penſions.*
29 *Act in favours of* James Hammilton *ſervitor to the Advocate.*
30 *Act in favour of* Adam Cowper *of his infeftment of* Gogar.
31 *Act in favour of the Clerk of Regiſter for imprinting of the Lawes of* Regiam Majeſtatem, *and others Lawes.*
32 *Act in favour of the town of* Dumbartane.
33 *Act in favour of the town of* Craill *anent their market.*
34 *Ratification of the privilege of the Lords of Councel and Seſſion.*

THE

THE TVVENTIETH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the grace of God, King of Great BRITAINE, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Edinburgh* the twenty fourth day of Iune 1609.

By ane potent Lord GEORGE Earle *Marſchell*, Lord *Keith* and *Altrie*, &c. By vertue of his Majeſties Commiſſion granted to him under the great Seal of this Realme, with advice of the Eſtates of this Kingdome.

Act anent chooſing of Pedagogues to children paſſing forth of Scotland *to ſchools.*

CHAP. I.

FOrſameikle as our Soveraigne Lord and Eſtates of this preſent Parliament, Conſidering that ane of the great cauſes whilk hes procured the grouth and increaſe of Papiſts within this Kingdome, hes proceeded from the ſmall care and regard that hes been had of the education and up-bringing of the youth, wha being ſent forth of the Realme to places of contrary profeſſion, and not being firſt well grounded in Religion, and accompanied with Pedagogues ſcarce well affected to Religion, they do oft returne back ſo poſſeſt with ſuperſtition and hereticall errors, as they may be juſtly ſuſpected for dangerous ſubjects in the Eſtate. For preventing of whilk grouth and increaſe of defection from the true faith by the occaſion foreſaid, our ſaid Soveraigne Lord and Eſtates foreſaids,

ſaids, Ordeines that all ſic Noblemen and others wha hereafter ſhall direct any Pedagogues with their ſons out of the Countrey, ſhal be halden by vertue of this preſent Act, to have ane ſufficient teſtimoniall of the Biſhop of the Diocie where the ſaid Pedagogue for the maiſt part lately before made his reſidence: Teſtifying and approving the ſaid Pedagogue to be godly and of good Religion, learned and inſtructed in the ſame. And if any Noble-man or other ſhall happen to ſend any Pedagogue with their ſons out of the Countrey without the teſtimoniall and approbation of the Biſhop in manner above-written: In that caſe our ſaid Soveraigne Lord and Eſtates foreſaids, declares, ſtatutes and ordeines, that every ſic Noble-man and others according to their ſeverall degrees and ranks ſhall incur the paines particularly under-written. *Viz.* Every Earle, five thouſand pounds. Every Lord, five thouſand marks. Every Baron, three thouſand markes; whilk ſummes ſhall be intrometted with and up-lifted of them by his Majeſties Theſaurer and his Deputes to his Highnes uſe. Providing in caſe it ſhall happen the Biſhop of that Diocie to refuſe to grant teſtimoniall to the Pedagogue upon the premiſſes, the ſaid Biſhop thereafter being lawfully ſummoned to compeare before the Lords of his Highnes Secret Councell to anſwer to that complaint, and ſhew not a reaſonable cauſe of that his refuſall, Then in that caſe, it ſhall be lawfull to the Lords of Secret Councel to give their teſtimonial to the foreſaid Pedagogue to the effect above-written.

Act againſt Children that becomes Papiſts when they are out of Scotland.

CHAP. II.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, Ordeines the Noblemen, Barons and others to have a ſpeciall care, and to give order and direction that the remaining of their ſons forth of the Countrey ſhall be in places where Religion is profeſſed, or at the leaſt where there is na reſtraint of the ſame by the crueltie of Inquiſition: and that during the time of their abſence they ſhall not haunt any Idolatrous exerciſe of Religion. And that ſic perſons as hes not the moyen to entertaine with their ſons ane Pedagogue, ſhall ſend them to ſic places where Religion is profeſſed. And in caſe their ſons after their departure out of the Countrey ſhall haunt the exerciſes of contrary Religion, our ſaid Soveraigne Lord and Eſtates foreſaids, ordeins that their parents, or ſic others as hes the charge of them, ſhall be ſtraited to finde caution, acted in the bookes of Secret Councell, under ſic paines as ſhall be modified, that they ſhall not ſupply, entertain, nor furniſh them with any thing neceſſar or comfortable unto them after that it be knawn that their ſonnes are become Papiſts and haunts Idolatrie, contrary to the Religion preſently profeſſed within *Scotland*, except their reaſonable expences in recalling and bringing them to this Realme of *Scotland*.

Act anent excommunicate perſons not to enjoy their lands, roomes and poſſeſſions.

CHAP. III.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, conſidering that whereas there is divers perſons wha are excommunicate for not conforming themſelves to the true Religion preſently profeſſed, and do notwithſtanding ſtill enjoy the poſſeſſions of their lands, rents and livings, either directly in their awne perſons, or covertly in the perſons of their friends and well-willers to their uſe and behoofe, to the couraging of them to perſiſt in their pernicious and erroneous opinions, and to the fruſtrating of the execution of the acts and conſtitutions made againſt Excommunicats heretofore. Therefore our ſaid Soveraigne Lord, and Eſtates foreſaids, declares, ſtatutes and ordeins, that na perſons whatſoever, wha are already, or hereafter ſhall happen to be excommunicat for not conforming themſelves to the Religion preſently profeſſed within this Kingdome, ſhall be ſuffered either directly in their awn perſons,

or covertly and indirectly by any others in their names, and to their behoof, injoy the poſſeſſions of their lands, rents and revenues; but that the ſame ſhall be medled with, intrometted with, and up-lifted to his Majeſties uſe.

Act giving command to Biſhops to ſend the names of excommunicate perſons to the Theſaurer, and to the Director of the Chancellarie.

CHAP. IV.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, conſidering that to the effect every mans affection and diſpoſition in his Religion may be clearly and ſufficiently knawne: Therefore our ſaid Soveraigne Lord, and Eſtates foreſaids, ſtatutes and ordeins, that every Archbiſhop and Biſhop within the bounds of his awne Diocie, ſhall anes every year give up to the Theſaurer, Comptroller, Collector, and their Deputes, and to the Director of our Soveraigne Lords Chancellarie, ane Roll ſubſcryved with his hand, conteining the names of all ſic perſons within his Diocie wha are excommunicat for Religion. And ordeins the ſaid Theſaurer and his Deputes, that they receive na reſignations, nor grant confirmations nor infeftments to, nor in favours of any of the perſons whoſe names ſhall be conteined in the ſaid Roll. And that the Director of the Chancellarie and his Deputes give out na Brieves, receive na Retours, nor direct na precept upon Retours, nor upon compriſings, in favours of any of the ſaids perſons whoſe names ſhall be inſert in the ſaid Roll at na time thereafter, whil the ſaid perſon or perſons produce unto the ſaid Theſaurer, Comptroller, Director of the Chancellarie, and their Deputes, a ſufficient teſtimoniall ſubſcryved by the ſaid Archbiſhop or Biſhop, teſtifying their relaxation from the ſaid excommunication, and their obedience and ſatisfaction to the Kirk, as the ſaid Theſaurer, Director of the Chancellarie, and their Deputes will be anſwerable to his Majeſtie upon the dutie of their office. And likewiſe our ſaid Soveraigne Lord, and Eſtates foreſaids, declares that it ſhall be lawfull to all Lords of Regalities, and to all Superiours whatſomever within this Kingdom, to refuſe Breives and Precepts of *Clarè conſtat*, in favours of any perſon or perſons, whoſe names ſhall be inſert in the ſaid Roll. As alſo to refuſe the entrie of Tenents upon compryſing, whoſe names are inſert in the ſamine Roll.

Act againſt Jeſuites, Seminarie Prieſts, ſayers or hearers of Meſſe, Papiſts, and reſetters of them.

CHAP. V.

OUr Soveraigne Lord, and Eſtates of this preſent Parliament, conſidering the impunitie of Jeſuits, Seminarie Prieſts, and others Papiſts, adverſaries to the true Religion profeſſed in this Realme, and their reſetters in times bygane, hes been the cauſe aſwell of their increaſe as of their inſolence in all the parts of this Realme. And that the ſame hes proceeded partly upon the negligent execution of the Acts of Parliament made againſt the ſaids Papiſts, Jeſuites and Seminary Prieſts and their reſetters, and partly upon ſome obſcuritie of words in the ſaids Acts. Therefore our ſaid Soveraigne Lord, and Eſtates foreſaids, maiſt willing to have the ſaids acts put to due execution in all points, and Papiſtrie and ſuperſtition utterly ſuppreſſed according to the intention of the ſame, hes ratified, approved and confirmed, and by the tenour of this preſent act, ratifies, approves and confirmes all and whatſomever acts of Parliament, either made in his Hignes minoritie and leſſe age, or elſe ſince his acceptation of the governement in his awne Perſon, againſt Jeſuites, Seminarie Prieſts, Papiſts, ſayers and hearers of Meſſe, and reſetters of the ſaids perſons or any of them; And decernes and ordeins the ſamine to have full ſtrength, force and effect, and to be put to due execution in all time comming, with theſe explanations after following: That the ſaids acts made againſt hearers and ſayers of Meſſe ſhal be put to due execution, and be extended to all hearers and ſayers of Meſſe, without any exception or reſtriction. As likewiſe that all acts made of before againſt

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the reſetters of the ſaids perſons have their full force, ſtrength and effect, and be put to due execution againſt the ſaids reſetters; after lawfull intimation and denunciation be made of the ſaids perſons. Whilk denunciation and intimation his Highnes and the Eſtates foreſaids declares to be ſufficient to cauſe the ſaids reſetters of the ſaids Papiſts, Jeſuites, Seminarie Prieſts, and others conteined in the ſaids acts, incurre the paines therein conteined, if the ſame be made at the head Burgh of the Shire where the ſaids perſons remaines, and at the market croſſe of *Edinburgh*, without any farther intimation to be made there-anent. After the whilk denunciation and intimation to be made, as ſaid is, our ſaid Soveraigne Lord and Eſtates foreſaids, declares that whaſoever thereafter ſhall wittingly and willingly reſet any of the ſaids perſons, either privatly or publickly, that the ſaids reſetters ſhall incurre the paines conteined in the ſaids acts, they being lawfully convict thereof. And that the act made in his Highnes firſt Parliament, bearing that none that profeſſe not the true Religion preſently profeſſed within this Realme may be Judge, Procuratour or member of Court, be extended to all and whatſomever offices, without any exception or reſtriction in all time comming. And for the better execution of the ſaids acts, our ſaid Soveraigne Lord and Eſtates foreſaids, commands and ordeines all Archbiſhops, Biſhops and Presbyteries, to call before them the ſaids Papiſts, Jeſuites, Seminarie Prieſts, and their reſetters, every ane within their awne bounds; and to take tryall and cognition if they have contravened the ſaids acts or any part thereof. And according as they finde after due tryall and probation, that they report the ſame to his Highnes Advocate and Secret Councell; to the effect they may be called and conveined before them, and puniſhed according to the ſaids acts in all points.

All Judges, members of Court and Officiars whatſomever ſhould profeſſe the Religion.

Act of the Commiſſariates and juriſdiction given to Archbiſhops and Biſhops.

CHAP. VI.

OUR Soveraigne Lord, underſtanding that in all well governed Republicks, the juriſdiction Civill and Eccleſiaſtick are ſeverall, diſtinct and divers juriſdictions, whilk ought to be adminiſtrat by the perſons to whom the ſame properly belangs; and according to his Highnes moſt loving and Princely affection borne alwayes to the Chriſtian reformed Kirk within this Realme, being maiſt willing that the ſaid Kirk ſhould bruike and joyſe their liberties, priviledges, freedome and juriſdiction granted to them by his Majeſty (from whom onely their temporall juriſdiction doth flow) and in that regard belanging to them as being ane of the Eſtates of Parliament maiſt neceſſar to be maintained for giving of their advice, counſell and aſſiſtance in all his Majeſties great and weighty affairs, hes with expreſſe advice and conſent of the Eſtates of Parliament, reſtored and redintegrate the Archbiſhops and Biſhops of this Realme to their former authoritie, dignitie, prerogative, priviledges and juriſdictions lawfully perteining, and ſhall be knawne to pertain to them (alwayes flowing from his Majeſty, alwel as any other ordinar juriſdiction doth) and ſpecially to the juriſdiction of Commiſſariates, and adminiſtration of juſtice by their Commiſſioners and Deputies in all Spirituall and Eccleſiaſticall cauſes contraverted between any perſons dwelling within the bounds and Diocies of their Prelacies and Biſhopricks; With full power to the ſaids Archbiſhops, Biſhops, and their ſucceſſours in all time hereafter, to nominate and create ſufficient, wiſe, diſcreet and learned men, beſt acquainted with the law and practick of this Realme, to ſerve and adminiſtrat juſtice in the ſaids places of Judicatorie, to conſtitute Clerks and all other under-officers ſa oft as the ſame ſhall vaik by dimiſſion, deceaſe, deprivation or otherwiſe, and to provide others in their places, with as great freedome and liberty as any Arch-biſhops or Biſhops in this Realme formerly hes done. Whilks Commiſſares to be nominate and create by them, ſhall judge and decyde in all cauſes belanging to their Judicatorie. And wherein the Commiſſares preſently in office are in uſe to decyde, keeping the ſame ſtile and forme whilk is preſently obſerved, and

Deputies or Commiſſares.

Clerks and Officiars.

that manner of proceeding whilk ſhall be preſcryved and injoyned to them by ſpeciall injunctions, without any alteration of the preſent Lawes, or introduction of new and uncouth practicks upon the Subjects and Lieges, and ſhall have power of Confirmation of Teſtaments every ane of them within their awn bounds. The Quotes thereof to be payed to the Arch-biſhops, Biſhops, their Chamberlanes, Factors and under-receivers appointed by them. For the better effectuating whereof, his Majeſty and Eſtates of Parliament, ordeins Letters of Horning to be given and granted by the Lords of Seſſion in that ſame very ſort that the Commiſſares preſent hes it, for execution of all their ſentences and decreets whilk ſhall happen to be pronounced by them, and compelling of perſons to enter and confirme the Teſtaments of their Defuncts in the very ſame manner that formerly hes been done. And for mainteining all things in better order, and the reſtraining of unlawfull Divorcements, over frequently practiſed within this Realme, to the high diſhonour of God, and ſlander of true Religion: His Majeſty with advice and conſent foreſaids hes ſtatute and ordeined, that in the Burgh of *Edinburgh* there ſhall be reſident alwayes foure Commiſſares, twa to be nominate and appointed by the Archbiſhop of *Saint-Andrewes*, and twa by the Archbiſhop of *Glaſgow*, wha ſhall have the onely power to decide in all cauſes of divorcement: As likewiſe ſhall have power of reduction of all decreets pronounced by any other Commiſſares, to the hurt and prejudice of any of the Lieges; before whom it ſhall be onely lawfull to intend and purſue reductions of inferiour Commiſſares their ſentences and decreets of *prima inſtantia*. And in caſe the ſaids Commiſſares to be appointed by the Archbiſhops of *Saint-Andrewes* and *Glaſgow*, as ſaid is, performe not their duetie, the Lords of Seſſion ſhall have power to try, cognoſce and determine in the ſame; and ſhall judge upon all decreets and ſentences alledged to be wrangouſly pronounced by them. And that becauſe they are his Majeſties great Conſiſtorie, to whom his Highnes with advice of the ſaids Eſtates, gives and grants an high ſupreme Commiſſion for all ſic cauſes, to judge and determine of them in ſic caſes. And declares that it ſhall be lawful to the ſaids Lords of Councell and Seſſion, to advocate cauſes to themſelves from any of the Commiſſares, upon juſt and lawful complaints made to them by any of the ſubjects, & not otherwiſe. Provyding alwayes, that the ſaid Seſſion ſhall ever be ready to give ane accompt to his Majeſty, that their advocations have been grounded upon probable and lawfull grounds for the well of the ſubjects. And that this foreſaid act may be put in preſent effect, his Majeſtie with advice foreſaid, declares all former erections of Commiſſariates to be ſuppreſſed and extinct from this forth and for ever, all conſtitutions that have been in former time of the ſame in whatſoever part of the Realme the ſame hath been erected, and by whatſoever manner the ſame hes proceeded, act of Parliament, Secret Councell, and others made there-anent. And in like manner, diſcharges and annulls all preſentations, gifts or diſpoſitions made by his Highnes to the Commiſſares preſent, or to any other concerning the ſaid Commiſſariates, and all rights acquired by them by deceaſe, dimiſſion, or howſoever the ſame hes vaiked, and all gifts and diſpoſitions made in favours of their Clerks and members of Court, by whatſomever manner of order the ſame hes proceeded. With this proviſion always, that the Commiſſares preſently in office, their Clerks and other members of Court, wha ſhall be authorized with teſtimoniall from the Lords of Seſſion of their ſufficiencie and qualification to their ſeverall places and offices, ſhall bruike and joyſe the ſame, they alwayes receiving new preſentation and gift of their offices from the Archbiſhops and Biſhops of their Diocies where they ſerve, between and the firſt day of December next to come. Otherwiſe if in caſe the ſaids Commiſſares and other members of Court do not produce the foreſaid Teſtimoniall from the Lords of Seſſion, as ſaid is, it ſhall be lawfull to the Archbiſhops and Biſhops to provide other ſufficient perſons to the ſaids places. The reſtitution of the ſaid juriſdiction alwayes to bee with expreſſe reſervation of his Highnes and his ſucceſſours their prerogatives and ſupremacie in all cauſes Eccleſiaſticall and Civill within this Realme. Provyding alwayes that this preſent act ſhall nawyſe be hurtfull nor prejudiciall to the heritable right of the Commiſſariate within the bounds of *Argyle*, perteining

Confirmation of Teſtaments.

Quotes of Teſtaments.

Letters of Horning.

Divorcement.

Commiſſares in *Edinburgh*

Reduction of decreets.

Advocation of actions.

Diſcharge of former Commiſſariats.

Teſtimonials to be given.

The Kings prerogative.

Commiſſer of *Argyle*.

teining to *Archbald* now Earle of *Argyle*, but the ſame to ſtand in the ſame force, ſtrength and effect as it was before this preſent act, and notwithſtanding thereof, or any clauſe therein conteined *Prout de jure.*

Act anent the Commiſſioners and Juſtices of Peace.

CHAP. VII.

FOrſameikle as among the infinite monvments and teſtimonies of his Majeſties true pietie, ſingular wiſedome, ſincere zeal to juſtice, and fatherly care of his people, the Eſtates of this Kingdome have not found any bringing mair deſerved commendation and permanent renown to his Majeſtie, or greater profite, quietneſſe and comfort to his ſubjects, nor his conſtant perſeverance in his maiſt religious and prudent reſolution to extirpat the ungodly, barbarous and brutall cuſtome of deadly feads, whilk by the inveterate abuſe of many by-paſt ages was become ſa frequent in this Realme, as the ſubjects of greateſt rank and qualitie, upon every naughty occaſion of baſe and unworthy controverſies of neighbourhood, for turves, fold-dykes, furres or marches of lands, fooliſh words, or drunken diſcords between their meaneſt ſervants and dependers, and any other in the Countrey, did ſo readily embrace the protection of their unjuſt and unneceſſary quarrels, as did many times involve themſelves and their hail friendſhip in maiſt bloudy and mortall troubles, whilk they did proſecute with ſic malice and crueltie, as to the extreame perill of their ſaules, infamie of their memoriall, and overthraw of their awne and their adverſaries houſes, did diſtract the Kingdome in oppoſite factions, and many times furniſhed matter of maiſt pernitious, ſeditious and Civill warres. The inconveniences whereof being manifeſtly ſeen and ſenſibly felt, baith by the Princes and people of this Realme in many by-paſt ages, and earneſtly ſought to have been removed, yet the corruption was ſa univerſall, that the greateſt part prevailing againſt the beſt, that cruell barbaritie hath both continuance and daily increaſe, untill his Majeſty bending the excellent wiſedome and rare graces of his Royall minde (wherewith God hes endued him mair abundantly then any King that ever did reigne in this Iland) againſt that godleſſe, unnaturall and beaſtly cuſtome, did deviſe and eſtabliſh a maiſt godly, juſt and prudent Law and Ordinance for the courſe to be obſerved, for removing upon equitable and juſt conditions the deadly feads, whilk then ſtood in great number between the maiſt powerfull ſubjects of this Kingdome and their kinſmen, aſſiſters and partakers: In the execution whereof, God having miraculouſly aſſiſted his Majeſties moſt holy and juſt intention after exceeding great care and paines tane by his Majeſty in tryall of the originall cauſes of the ſaids diſcords, the true circumſtances of the injuries and loſſes ſuſtained by either party, and in preſcryving due ſatisfaction to be indifferently made for redreſſe of all by-paſt harmes and wrangs; His Majeſties admirable conſtancie hes ſa overcome all difficulties, that the haill knawne feads within the Kingdome being now removed by perfite reconciliation, and juſt contentment of all parties having intereſt therein, his Majeſties haill ſubjects findes ſic joy and happines in the ſweet fruits of his wiſdome and providence expreſſed in that caſe; that they earneſtly wiſh that his Majeſty wha hes ſa carefully exterminate that abhominable peſt of deadly feads, may in his ſingular wiſdome finde meanes for ever to prevent the reviving of that monſter. Wherein his Majeſty conſidering that nothing gave ſa great grouth and ſtrength to that by-paſt barbaritie, as the ſlouth of Magiſtrats in not ſuppreſſing the firſt feeds of theſe diſſentions, whilk being ſmal and weak in the beginning, for Peets, Turves, Devits, Fold-dyks, Poyndings, neighborly marches, injurious words or light brawls were then eaſily to be ſetled, if diligence and authoritie had been joyned for repreſſing thereof, whilk being neglected by theſe to whom it appertained, theſe light jarres and inſolencies did very oft kindle ſic flames of diſorder, diſſention, rankor and feed, as in many yeares with great ſtreames of bloud, deſolation and ruine of great and auncient houſes and races could hardly be quenched. For remeed whereof his Majeſty and Eſtates foreſaids, Ratifies and approves the former Act made by his Highnes, for aboliſhing deadly feeds in every head,

clauſe

clauſe and article thereof. And farther ſtatutes and ordeines, that in every Shire within this Kingdome, there ſhall be yearly appointed by his Majeſty ſome godly, wiſe and vertuous Gentlemen of good qualitie, moyen and report, making reſidence within the ſame, in ſic number as the bounds of the Shire ſhall require, to be Commiſsioners for keeping his Majeſties peace, to whom his Majeſty with advice of the Lords of his Privy Councell ſhall give power and Commiſsion to over-ſee, try and prevent all ſic occaſions as may breed trouble and violence amongſt his Majeſties ſubjects, or forceable contempt of his Majeſties authoritie and breach of his peace. And to command all perſons to whom they ſhall ſee manifeſt intention to make trouble and diſorder, either by gathering together of idle and diſorderly perſons, or by publick bearing or wearing of Piſtolets, or other forbidden weapons, and ſic other riotous and ſwaggering behaviour; to binde themſelves and finde caution under competent paines to obſerve his Majeſties peace, and for compearance before his Majeſties Juſtice or Lords of his Privie Councell, to under-ly ſic order as ſhall be found convenient for puniſhing their tranſgreſsions, or ſtaying of troubles and enormities. And if need ſhall be, to require the dutifull and obedient ſubjects of the Shire to concurre with them in preventing all ſic contempts and violences, or for taking and wairding of the wilfull and diſobedient authors, committers and foſterers of theſe crimes and diſorders, under ſic competent arbitrare paines as his Majeſty and Lords of his Privie Councell ſhall appoint for the offenders. And ſic of the Countrey as being required, ſhall not give their ready and afald concurrence to his Majeſties Commiſsioners in the premiſſes, whereby the Ordinar Magiſtrats and Officiars within the Shires, may be the better aſſiſted, and their abſence, imployments, or other impediments mair commodiouſly ſupplyed, without derogation of their juriſdiction, or want of ready comfort and juſtice to the obedient ſubjects within the bounds thereof. Ordeining alſo the ſaids Commiſsioners to give true advertiſement and information to the Lords of his Majeſties Privie Councell, Juſtice generall and his Deputes, his Majeſties Theſaurer, and other Magiſtrats and Officers whom it effeirs, of the names of ſic faithfull and unſuſpect witneſſes and aſſyſers, to be ſummoned in all crymes and diſorders whilk ſhall happen to fall forth within the ſaids Shires, as ſhall be knawne to be maiſt meet and able for tryall and probation of the ſame, and for eſchewing that ſic as are either aged, ſicklie or unable to travell, or ignorant of the facts to be tryed, be not unjuſtly vexed, or unneceſſarily drawne from their awne houſes and affairs, for matters wherein they are not able to give any light.

Act of the apparell of Judges, Magiſtrats, and Kirk-men.

CHAP. VIII.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, finding by daylie experiences, that the greatnes of his Majeſties Empyre, magnificence of his Court, fame of his Wiſedome and Juſtice, and of the civilitie of his Subjects, hes already begun to allure divers forrain Princes, and other ſtrangers of all eſtates, to make mair frequent repair to this Countrey, nor ever they did in any preceeding age. Whilk reſort of ſtrangers will by all appearance baith continue, and daylie mair and mair increaſe; and by them na doubt, report will go through all the world of the eſtate and government of the Kingdome, according to the order whilk they ſhall ſee obſerved within the ſame; whereof the Rules and good example flowing from the Eſtates of Parliament and Magiſtrats, to the haill remanent ſubjects of the Realme. It is maiſt neceſſar that ſic gravitie and comelines be uſed by the Lords and Commiſsioners of Parliament, and others Magiſtrats in their apparell and behaviour, as may beſt deſerve the good report and true commendation of all Princes, Noblemen and others ſtrangers, wha ſhall have occaſion to relate the ſame. The reſpect whereof having induced his Majeſty to preſcryve to the Nobilitie apparell for the Parliament becomming their honourable Eſtate. And underſtanding that the remanent members of that high Court have not reformed themſelves to the like conveniencie, neither yet that the courſe intended by his Majeſtie for

The Eſtates of Parliament.

diſcharging

diſcharging Noble-men and Gentle-men to be elected Proveſts and Magiſtrats of Burrowes (whereof nane ſhould be capable but Burgeſſes, actuall traffickers and inhabitants of the ſaid Burrowes) hes tane ſic effect as is maiſt neceſſar for preſervation of the liberties and good eſtate of the ſaids Burrowes, and hindring the diſſipation of their common good, and perverting of their priviledges. For remeed whereof, his Majeſty with advice of the Eſtates of his Highnes Parliament, ſtatutes and ordeins, that na man ſhall in any time comming be capable of Proveſtrie or other Magiſtracie within any Burgh of this Realme, nor to be elected to any of the ſaids Offices within a Burgh, but merchants and actuall traffickers inhabiting within the ſaids Burghs allanerly, and na others. And that the ſaids Magiſtrates of Burrowes to be hereafter elected, and their Commiſſioners of Parliament, ſhall have and weare at Parliament, Conventions and other ſolemne times and meetings when the dignitie ſhall require it, ſic comely and decent apparell as his Majeſty ſhall preſcryve convenient for their rank and eſtate, whereby they may be diſcerned from other common Burgeſſes, and be mair reverenced by the people ſubject to their charge. And becauſe a comely, decent and orderly habite and apparell in the Judges of the Land, is not onely an ornament to themſelves (being a badge and mark for diſtinguiſhing them from the vulgar ſort) but the ſame alſo breeds in common people that reverence and regard that is due and proper for men in theſe places. And this being a cuſtome univerſally obſerved almoſt through all Europe, the want whereof is greatly cenſured by ſtrangers reſorting in theſe parts. The ſaids Eſtates therefore upon infinite proofes they have of his Majeſties maiſt ſingular wiſdome in all his directions, & of his gracious love and affection to this his native Kingdom, have in all humilitie referred to his Highnes awne appointment the aſſigning of any ſic ſeverall ſort of habite and veſtiment as ſhal be in his Majeſties judgment maiſt meet and proper, aſwell for Lords of Seſſion being the ſupreme Judges in Civill actions, as for all other inferiour Judges of the like cauſes. As alſo for the Criminall and Eccleſiaſticall Judges, and for Advocats, Lawyers, and all others living by Law and practice thereof; that ſa every ane of theſe people may be knawne and dignoſced in their place, calling and function, and may be accordingly regarded and reſpected. Attour, his Majeſty and Eſtates foreſaids, conſidering what ſlander and contempt hes ariſen to the Eccleſiaſticall Eſtate of this Kingdome by the occaſion of the light and undecent apparel uſed by ſome of that profeſſion, and chiefly theſe having vote in Parliament. It is therefore ſtatute, that every Preacher of Gods word ſhall hereafter weare black, grave and comely apparell beſeeming men of their eſtate and profeſſion. As likewiſe that all Pryors, Abbots and Prelats having vote in Parliament, and ſpecially Biſhops, ſhall weare grave and decent apparell agreeable to their function, and as appertains to men of their rank, dignitie and place. And becauſe the haill Eſtates humbly and thankfully acknawledges, that GOD of his great mercy hes made the people and ſubjects of this Countrey ſa happie as to have a King reigne over us, wha is maiſt godly, wiſe and religious; hating all erroneous and vain ſuperſtition, juſt in governement, and of lang experience therein, knawing better then any King living what apperteins and is convenient for every eſtate in their behaviour and duetie. Therefore it is agreed and conſented to by the ſaids Eſtates, that what order ſa ever his Majeſty in his great wiſdome ſhall think meet to preſcryve for the apparell of Kirk-men, agreeable to their eſtate and moyen; the ſame being ſent in writ by his Majeſtie to his Clerk of Regiſter, ſhall be a ſufficient warrant to him for inſerting thereof in the Books of Parliament, to have the ſtrength and effect of an act thereof, with executorials of Horning to be direct there-upon, againſt ſic perſons as within the ſpace of fourty dayes after the publication or intimation to them of the ſaid act or charges uſed againſt them there-upon, ſhall not provide themſelves of the apparell to be appointed by his Majeſtie for men of their vocation and eſtate, to be uſed and worne by them and their ſucceſſours at the times, and in manner to be expreſſed in the ſaid act to be made by his Highnes there-anent.

Magiſtrats within Burrowes. Their apparell.

Apparell of Judges is referred to the King. Lords of the Seſſion. Inferiour Judges. Lawyers.

Miniſters

Prelats.

Apparell of Kirk-men referred to the King.

Act againſt ſcandalous ſpeeches and Libels.

CHAP. IX.

OUR Soveraigne Lord fore-ſeeing that there is nathing ſa neceſſar for the perpetuall well and quietneſſe of all his ſubjects of this Monarchie as the furtherance and accompliſhment of the union of his twa famous and maiſt auncient Kingdomes of *Scotland* and *England*, whereof his Majeſty out of his fatherly care of the peace and happines of his good and faithfull people, having maiſt inſtantly and earneſtly ſolicited the perfection, and by the aſſiſtance of the worthieſt members of baith Kingdomes, ſa effectually advanced the ſame, as he hopes (God willing) in his Raigne to ſee the wiſhed end of that great work, whilk in his Royall Perſon hes received ſa miraculous and happy a beginning. And nevertheleſſe finding therein ſic malicious letts, as the devil and his ſuppoſts do uſually ſuggeſt, to the hinderance of all juſt and godly enterpriſes; ſpecially by the falſe and calumnious brutes, ſpeeches and writs; craftily uttered and diſperſed by ſome lawleſſe and ſauleſſe people of this Realme, aſwell in private conferences as in their meetings at tavernes, ale-houſes and playes, and by their paſquils, lybels, rymes, cockalans, comedies and ſicklike occaſions, whereby they ſlander, maligne and revile the People, Eſtate and Countrey of *England*, and divers his Majeſties honourable Counſellers, Magiſtrats, and worthie Subjects of that his Majeſties Kingdome. The continuance whereof being able to incenſe the people of *England* to juſt grief and miſcontentment, may not onely hinder the intended union of all the good ſubjects of this Monarchie, but ſtir up in them ſic irreconciliable evill will, as with time might bring forth maiſt dangerous and harmfull effects. For remeed and preventing whereof, his Majeſtie remembring how ſtrait and ſevere puniſhment hes by the Lawes and Acts of his maiſt Royall Progenitours Kings of this Realme heretofore been ordeined to be inflicted upon ſic as ſhould deviſe or utter falſe and ſlanderous ſpeeches and writs, to make diſſention between the Prince and his ſubjects, or raiſe ſedition in the Realme; and conſidering that all ſic purpoſes and writs as may breed diſliking between the inhabitants of the ſaids Kingdomes of *Scotland* and *England*, being now all become his Majeſties Liege-people; equally ſubject, and equally beloved of his Highnes, tends to maiſt dangerous diſſention and ſedition amangs his ſubjects. Therefore his Majeſty with advyce and conſent of the hail Eſtates of this Parliament, ſtatutes and ordeins, that whaſoever ſhall hereafter by word or writ, deviſe, utter or publiſh any falſe, ſlanderous or reproachfull ſpeeches or writs of the Eſtate, People or Countrey of *England*, or of any Counſeller thereof, tending to the remembrance of the ancient grudges, born in time of bypaſt troubles, (the occaſion whereof is now happily aboliſhed by the bleſſed conjunction of the ſaids Kingdomes under his Majeſties ſoveraignitie and obedience) or to the hinderance of the wiſhed accompliſhment of the perfect union of the ſaids Kingdomes, or to the ſlander or reproach of the Eſtate, People or Countrey of *England*, or diſhonour or prejudice of any Counſeller of the ſaid Kingdome, whereby hatred may be foſtered and entertained, or miſliking raiſed between his Majeſties faithful ſubjects of this Ile. The authors of ſic ſeditious, ſlanderous and injurious ſpeeches or writs, or diſperſers thereof, after tryall taken of their offence, either before his Majeſties Juſtice, or the Lords of his Highnes Privie Councell, ſhall be ſeverely puniſhed in their perſons and goods, by impriſonment, baniſhment, fyning, or mair rigorous corporall pain, as the qualitie of the offence ſhall be found to merite at his Majeſties pleaſure. And all ſic as hearing or getting knawledge of any ſic ſpeeches or writs, ſhall conceale the ſame, and not reveale them to his Majeſties ordinar Officers, Magiſtrates or Counſellers, whereby the authors and diſperſers thereof may be puniſhed, ſhall under-ly the like tryall and pain.

Act anent fugitive persons of the Borders to the in-Countrey.

CHAP. X.

FOrſameikle as the Kings Majeſty is reſolved to purge the middle Shires of this Iſle, heretofore called the Borders of *Scotland* and *England*, of their barbarous crueltie, wickednes and incivilitie, whilk by inveterate cuſtome was almaiſt become naturall to many of the inhabitants thereof, and to reduce them to the knawledge, love and fear of God, reverence of his Majeſties authority, obedience of his Lawes, and duetie to their neighbours; for accompliſhing of that maiſt Royall deſigne, made choyce of ane to be Commiſſioner in theſe bounds, whom by many aſſured proofes in former imployments of greateſt conſequence, his Majeſty knew to be indued with all qualities neceſſary for ſa weighty a charge, wha following preciſely the rules of his Majeſties maiſt prudent directions, and uſing all poſſible diligence and dexteritie in proſecution thereof, made ſa happy progreſſe in that good courſe, as juſtly puniſhing the maiſt perverſed and rebellious ring-leaders (whoſe amendment was deſperate) and tranſporting others of them forth of this Iſle, the reſt were brought to very ſettled quietnes and obedience of his Majeſties Lawes, a very few number of out-lawes onely excepted, wha being ſa earneſtly ſearched and purſued in theſe bounds, as all hope of eſcaping and langer impunitie was taken from them; they have by maiſt ſubtle and craftie means by changing their names, and diſſembling the place of their nativitie, convoyed themſelves in the in-Countreyes of this Realme, and inſinuated themſelves in ſervice with Noblemen and others of good qualitie, not onely thereby eſchewing their deſerved puniſhment, but alſo abuſing and harming his Majeſties good Subjects, by their darned ſtouths in the in-countrey tranſported, reſet and quietly ſold in the bounds of the late Borders. And again, ſtealing geir forth thereof, and out of the bounds of theſe middle-ſhires, and outting and ſelling the ſame in the in-countreyes. Beſides that, others of the ſaids out-lawes have been allured, and had reſet and over-ſight in the in-countreyes by ſome men of rank and power, to be inſtruments and executors of ſic revenge and miſchief againſt theſe to whom they beare malice, grudge or quarrell; whilk for fear of his Majeſties Lawes and authority they durſt not attempt by themſelves. For remeed whereof, his Majeſty with advice and conſent of the Eſtates of Parliament, ſtatutes and ordeins, that na man ſhall hereafter either receive or retein any man borne or lang habituate in the late Borders in his ſervice or company, or upon his lands, unleſſe he have certain knawledge, or a true and authentick teſtimoniall of his Majeſties great Commiſſioner of the late Borders, or his Depute, of the ſaid Border-mans true name and ſurname, place of his nativitie, and report of his trueth and lawtie, and that he is no knawne malefactor, but repute a duetifull and obedient ſubject, under the pain to incur the danger, and to be made anſwerable civilly and criminally to his Majeſtie and all his lawfull ſubjects, for all actions and crimes whilk might be any wayes laid to the charge of the ſaids broken-men, for any cauſe or occaſion either preceeding, or during the time of their receiving or retaining in their ſervice, company, or upon their lands, as if the reſetter had committed the ſaids faults himſelf. As likewiſe, becauſe ſome wha are not knawne to have committed any haynous offence in their awne perſon, obteining teſtimoniall of their name, birth and good report, may give the ſame to broken-men to be uſed by them in places where they are not knawn; It is ſtatute and ordeined, that whaſoever ſhall either give his teſtimoniall to any man, whereby it may be abuſed by another nor him to whom it was truely granted; or wha ſhall falſly uſe another mans teſtimoniall, or wha ſhall forge to himſelf or uſe a falſe teſtimoniall in the premiſſes, ſhall be puniſhed to the death. And to the effect his Majeſties faithfull and obedient ſubjects may have the better knawledge of the ſaids fugitives and broken-men, and that ſic as reſet them may want all pretext and excuſe of ignorance; It is ſtatute and ordeined, that a Roll ſhall be made by his Majeſties great Commiſſioner of the middle-ſhires, conteining the names of the ſaids Rebels, fugitives, out-lawes and broken-men, with the maiſt notor and evident marks

Teſtimonials uſed falſly.

Ane Roll of fugitives.

and deſcription of their age, ſtature, colour, and other tokens whereby they may be maiſt eaſily and readily knawn. And being imprinted, ſhall be ſent to the Sheriffs and Magiſtrats of the in-countreyes, and proclaimed at the market Croſſes of the head Burrowes of the Shires, and other places needfull. And thereafter be publickly affixed upon the ſaids Croſſes or Tolbuiths of the ſaids Burrowes. After whilk publication, It is ſtatute, that the contraveiners of this Act, or any head or article of the ſame, ſhall be rigorouſly puniſhed in their perſons and goods in manner foreſaid.

Act in favours of the Lords of Seſſion, of ten thouſand pounds to be given to them yearlie.

CHAP. XI.

OUR Soveraigne Lord, and Eſtates of Parliament, having for juſt and neceſſar reſpects concerning the preſervation of this Eſtate and chiefe Members thereof, reſtored the Biſhops, being now the onely remanent of the Kirk Eſtate having vote in Parliament, to their Livings, Juriſdictions and Place; And finding by experience, that they will be altogether unhabile worthily to diſcharge their dueties in that honourable rank, unleſſe they be provyded of ſufficient maintenance, not onely for bearing the privat charges of their families; but alſo to ſuſtein the great burdens of their weightie imployments at Parliaments, Conventions, and other publick affairs concerning his Majeſties ſervice and generall weall of the Countrey; hes earneſtly dealt with the Lords of his Majeſties Councell and Seſſion, to conſent that the Quotes of the haill Teſtaments within this Kingdome, whilks did juſtly pertein to the ſaid Seſſion by lawfull gifts and diſpoſitions thereof, graunted to them by his Majeſtie and his Predeceſſors, and ratified in Parliament, might be diſponed to the ſaids Biſhops, every ane of them within their awne Diocies, and be poſſeſſed by them in time-comming. Whereinto the ſaids Lords of Seſſion preferring their affection and zeale every way to grant ſatisfaction to his Majeſty, to their awne profite and preſent ſuretie, hes maiſt humbly yeelded. And his Majeſty being alwayes of minde and intention to remunerate his ſaids faithfull, truſtie and obedient Counſellers and their ſucceſſours for their willing obedience to this his Majeſties deſire, in dimiſſion and renunciation of the ſaid Quote ſilver, they being the onely ordinar ſupreme Judges of this Realme for adminiſtration of Juſtice, and entertainment of Policie and Peace within the ſamine, whilk neceſſarly requires their daylie and continuall preſence and attendance, preferring the publick good and weall of the Realme, in the adminiſtration of Juſtice indifferently to his Majeſties Lieges, to their awn privat and domeſticall affairs; and in the mean time are forced to ſpend their awn Patrimonie and Rent in the ſaid publick weall of the Realme. And his Majeſty having now by ſpeciall Inſtructions proponed to the ſaids Eſtates of Parliament, the ſaids great and faithfull ſervices done to his Highnes, and for the common weall of the Realme of *Scotland* in particular, by his ſaids right truſtie and familiar Counſellers, the ſaids Lords and Senatours of his Highnes Colledge of Juſtice, in yeelding and granting to his Highnes ſpeciall deſire, to ſurrender and over-give from them the ſaid Quote ſilver of the Teſtaments, being the maiſt and beſt part of their Patrimonie, to and in favours of the ſaids Archbiſhops and Biſhops of this Realme, for the help and ſupply of their eſtate, as is before ſaid. And the ſaids Eſtates of this preſent Parliament having there-upon taken full tryall and verification, they have found, tryed, cenſured and judged; like as they preſently finde, cenſure, and judges the ſamine to be, and to have been great, ſeen, reaſonable and profitable cauſes for the weall of his Majeſtie, and of the ſaid Realme of *Scotland*. As alſo, his Highnes and Eſtates foreſaids, findes, decernes and declares, that his Majeſtie with their advice and conſent, may for the ſaids ſeene, profitable and reaſonable cauſes, whilks they have knawne and tryed to be for the ſeen weall of his Majeſtie and Realme, as ſaid is, give, aſſigne or diſpone any part of the patrimonie of his Majeſties annexed propertie of the Crown to the ſaids ordinar Lords and Senatours of the Colledge of Juſtice and their Succeſſours, Senatours of the Colledge

ledge of Juſtice, in recompence to them of the ſaid Quotes of Teſtaments, ſurrendred by them, and over-given at his Majeſties deſire and command; to and in favours of the ſaids Eſtates of Biſhops, and that in ſic manner, forme and ſure conditions as his Majeſty beſt pleaſes for their ſecuritie. And to that effect that the annexation of theſe parts of the ſaid patrimony of the Crown, thaware to be aſſigned and diſponed to the ſaids Lords and ordinar Senatours of the ſaid Colledge of Juſtice, and their Succeſſours Senatours, ſhall be ſimpliciter diſſolved from the Crown, ſa that they may be given, aſſigned and diſponed to the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice and their Succeſſours Senatours perpetually in all time-comming. And the ſaids Eſtates being ripely and gravely adviſed what his Majeſty may give and diſpone to the ſaids Lords and Senatours and their Succeſſours, with the leaſt detriment to his Highnes Crowne and yearly Rent. The ſaids Eſtates all in ane voyce, have found and declared, and by the tenour hereof findes and declares, that the Cuſtomes of this his Highnes Realm of *Scotland*, annexed to the Crown, may with the leaſt detriment to his Majeſty, or hurt to the Rent or Revenue of the Crown, for the ſeene cauſes above-expreſſed, be given, aſſigned and diſponed by his Majeſty to the ſaids ordinar Lords and Senatours of his Highnes Colledge of Juſtice, & their Succeſſours Senatours in maiſt ample form. And to that effect, his Majeſty and Eſtates foreſaids of Parliament, diſſolves, annulls and infringes the annexation of the Cuſtomes of this Realme of *Scotland* to the Crown, from the ſaid Crown and patrimonie thereof, in ſa far as the ſame may be extended to the ſumme of ten thouſand pounds, of the firſt, readieſt, maiſt ſure and beſt payment of the ſaids Cuſtomes allanerly. And now after the ſaid diſſolution, his Majeſty and Eſtates foreſaids of this preſent Parliament, hes given, granted, aſſigned and diſponed, and by the tenour hereof, for the ſeen cauſes foreſaids, gives, grants, aſſignes and diſpones to the ſaids ordinar Lords and Senatours of his Highnes Colledge of Juſtice, and their ſucceſſours poſſeſſing the ordinar places of the ſaid Judicatory and Colledge of Juſtice perpetually in all time-comming; All and haill the ſumme of ten thouſand pounds, uſuall money of *Scotland*, in recompence to them of the ſaid Quote ſilver of Teſtaments, over-given by them at his Majeſties deſire, for the ſupport of the ſaid Eſtate of Biſhops, to be up-taken, up-lifted, and received by them, and their Collectors to be appointed by them in their names, yearly at twa Termes in the yeare, Whitſonday, and Martinmes in Winter by even portions, forth of the readieſt and beſt payment of his Majeſties Cuſtomes of the ſaid Realme of *Scotland*, or any part thereof from his Majeſties Comptrollers, tackſmen, poſſeſſours and intrometters with the ſaids Cuſtomes, and others addebted in payment thereof, now preſent and that ſhall happen to be for the time, to be diſtributed amongſt them in ſic forme as heretofore they were accuſtomed in dividing of the ſaid Quote ſilver. Beginning the firſt Termes payment thereof at the ſaid Feaſt and Terme of Martinmes next to come in this inſtant year of God ane thouſand ſex hundreth and nine years, and ſa forth yearly and termly thereafter, at the termes foreſaids perpetually in all time comming, Charging herefore the ſaid Comptroller and tackſmen, poſſeſſors and intrometters with the ſaids Cuſtomes of the ſaid Realme of *Scotland*, or any part thereof, and others addebted in payment of the ſamine now preſent and that ſhall happen to be for the time; to readily anſwere, content, obey and make thankfull payment of the foreſaid yearly ſumme of ten thouſand pounds yearly money foreſaid, to the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice and their ſucceſſours, and their collectors in their names, forth of the readieſt and beſt payment of the ſaids Cuſtomes; and that they be preferred in payment thereof to all & whatſomever other perſon or perſons pretending right to the ſaids Cuſtomes, or any part thereof by penſion, aſſignation, gift or other right or diſpoſition whatſomever. Beginning the firſt Termes payment of the ſamine, at the ſaid Feaſt and Terme of Martinmes next to come, and ſa forth yearly and termely thereafter at the termes foreſaids, perpetually in all time comming; whilk ſhall be thankfully allowed to the payers, they taking the ſaids Lords and Senatours, or Collectors acquittances and diſcharges to ſhew upon compt for their warrant in the Checker. And likewiſe commanding the Lords auditors

of the Checker preſent and to come, to allow to the payers of the foreſaid ſumme of ten thouſand pounds yearly and termely, in the firſt end of their compt, upon the ſight of the ſaids Lords and Senatours, or their ſaids Collectors acquittance upon the payment thereof thir preſents being alwayes ſhewne and produced in Checker. And als his Majeſtie and Eſtates foreſaids of this preſent Parliament, decernes and ordeins his Majeſties Comptroller preſent and his ſucceſſours, Comptrollers for the time; as likewiſe the tackſmen of the ſaid cuſtomes preſent and to come, and intrometters therewith, and addebted in payment thereof to become acted themſelves, and to finde ſufficient caution and ſuretie acted in the Bookes of Councell and Seſſion, for thankfull payment of the foreſaid ſumme of ten thouſand pounds, to the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice and their ſucceſſours, yearly and termely, at the termes foreſaid in all time comming. And at the deceaſe or dimiſſion of the ſaids Comptroller or tackſmen, that the new intrants ſhall become acted to the effect foreſaid of new, and that caution be founden by the ſaid Comptroller and tackſmen at the ſetting of the ſaids tacks to the effect foreſaid; otherwiſe the ſaids tacks to be null; and the nullitie thereof to be decided by way of exception or action at their pleaſure. And that Letters and Executorials of Horning, ſimpliciter may be direct upon ane ſimple charge of ten dayes againſt them, be deliverance of the ſaids Lords and Senatours of the Colledge of Juſtice, for payment of the foreſaid ſumme of ten thouſand pounds yearly and termly, at the termes foreſaids. And his Majeſty and Eſtates foreſaids, decernes and ordeins, that na Suſpention ſhall be granted for ſuſpending of the ſaids Letters, at the inſtance of whatſomever partie or perſon addebted in payment of the foreſaid ſumme in any time comming, for whatſomever cauſe or reaſon by the Lords of Parliament, nor by the Lords of Checker, or other Judges whatſomever, except upon conſignation of the ſummes, or upon production of ſufficient acquittances of payment of the ſummes wherewith they are charged. And that the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice, are and ſhall be onely Judges ordinar for diſcuſſing of the ſaids Suſpenſions; diſcharging all other Judges whatſomever of all granting of Suſpenſions in any cauſe concerning the premiſſes, and diſcuſſing of the ſamine by any manner of way, and of their offices in that part for ever. And to the foreſaid diſpoſition and aſſignation of the foreſaid ſumme of ten thouſand pounds, to be payed yearly and termly forth of his Highnes Cuſtomes foreſaids, firſt, readieſt and beſt payment of the ſamine, to the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice, and their ſucceſſours foreſaids, perpetually in all time comming, as is above expreſſed. His Majeſty and Eſtates foreſaids of Parliament, hes interponed, and interpones their conſent and authoritie, as that deed whilk ſhall be now and in all times hereafter eſteemed and judged for the weall of our Soveraigne Lord, and for the common weall of the Realme of *Scotland*. And his Majeſty for his Highnes and his Succeſſours promits *in verbo Principis*, never to impugne nor quarrell the ſamine, nor come in the contrare hereof directly nor indirectly in any time comming.

Act anent patronage of forfaulted perſons.

CHAP. XII.

OUR Soveraigne Lord being maiſt deſirous, that all the vaiking Kirks within his Kingdome may be planted with qualified and worthy men, and that theſe wha are already provided to Benefices lawfully vaikand at the time of their proviſion, and wha hes obteined decreit conforme thereto, with lawfull and peaceable poſſeſſion following there-upon, may be maintained therein. And ſpecially that the reſtitution of forfaulted perſons, pretending themſelves Patrons of Benefices, either by his Majeſties gracious favour, pardon or rehabilitation, or by reduction of their forfaultures, ſhall not be an occaſion to ſubvert the eſtate of theſe wha obteined lawfull proviſion of any of the ſaids Benefices by preſentation, or gift of the Kings Majeſty, or others to whom his Highnes diſponed the right of Patronage thereof, during the forfaulture ſtanding of the

the other pretended Patron, whose cryme could neither be ony reason to make the vaikand Benefice not to be disponed; neither should his restitution or reduction be an occasion to trouble the titular thereof, seeing the slenth or negligence of ane lawfull Patron and faithfull subject, not presenting within six moneths to the Benefice vaikand whereof he is Patron, makes him at that time to amit his right of Patronage; whilk *Jure devoluto* falling to the Kirk, the person provided by them, hes undoubted right thereto during his life-time. And therefore his Majesty with the advice and consent of the Estates of Parliament, statutes and ordeins, that all these wha are either already provided, or shall hereafter be provided by his Majesty to any of the saids Benefices, whereof the Patronage is fallen to his Highnes, by forfaulture, or by any other to whom his Majesty hes disponed the right of Patronage of any sic Benefices, and by vertue thereof have obteined Letters conforme to their provision, with lawfull and peaceable possession of the fruits thereof by the space of divers yeares, that all sic persons shall be maintained in their said right and possession of the saids Benefices and fruits thereof, during their life-time. And shall nowayes be quarrelled, troubled nor molested by the saids forfaulted persons, or their heires, successours or posteritie; being rehabilitated, restored, or their forfaultures reduced; nor by na other persons having right disposition or presentation from them: but that the saids benefieed persons during the saids forfaulture, and by vertue thereof become in possession of the saids Benefices in manner above-written; shall peaceably injoy, bruike and possesse the samine Benefices, haill fruits, rents, rights, commodities and priviledges thereof, as freely, peaceably and righteously, as if the saids Patrons had never been forfaulted, and had lawfully presented themselves. But prejudice to the saids Patrons being restored, and their heires and successours to recover their right of Patronage of the saids Benefices, and to use and exerce the samine by due and tymous presentation of habile and qualified persons to the saids Benefices whereof they are Patrons, whensoever they shall vaik by dimission or decease of the present titulars, and na otherwise.

Act anent the Egyptians.

CHAP. XIII.

OUR Soveraigne Lord and Estates of Parliament, Ratifies, approves, and perpetually confirmes the act of Secret Councell made in the moneth of June or there-by 1603. years, and proclamation following there-upon. Commanding the vagabonds, forners, and common theeves, commonly called Egyptians, to passe forth of this Kingdome, and remaine perpetually forth thereof, and never to returne within the samine, under the paine of death; and that the samine have force and execution after the first day of August next to come. After the whilk time if any of the said vagabonds, called Egyptians, als well women as men, shall be found within this Kingdome, or any part thereof; It shall be lesome to all his Majesties good Subjects, or any ane of them, to cause take, apprehend, imprison, and execute to death the saids Egyptians, either men or women, as common, notorious and condemned theeves; by ane assyse onely to be tryed, that they are called, knawn, repute and halden Egyptians. In the whilk cause, whatsoever of the assyse happens to cleanse any of the foresaids persons Egyptians pannelled, as said is, shall be pursued, handled and censured as committers of wilfull error. And whosoever shal at any time thereafter reset, receive, supply or entertain any of the saids Egyptians either men or women, shall tyne their escheat, and be warded at the Judges wil. And that the Sheriffs and Magistrates in whose bounds they shall publickly and avowedly resort and remain; be called before the Lords of his Highnes Secret Councell, and severely censured and punished for their negligence in execution of this act. Discharging all Letters, Protections and Warrants whatsomever, purchased by the saids Egyptians or any of them, from his Majesty or Lords of Secret Councell, for their remaining within this Realme, as surreptitiously and deceitfully obteined by their knawledge. Annulling also all Warrants purchased or hereafter to be purchased by any subject of whatsomeve-

ſomevet rank within this Kingdome for their reſet, entertaining or doing any manner of favour to the ſaids Egyptians at any time after the ſaid firſt day of Auguſt next to come for now and ever.

Ratification given by the King to the Secret Councell to receive Reſignations.

CHAP. XIV.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, Ratifies and approves the Commiſſion given by his Majeſty upon the fourth day of April 1603. yeares, to the Lords of his Majeſties Secret Councell, to receive reſignations of land halden of his Majeſty, and give infeftments there-upon. And decernes and declares all and whatſomever Reſignations made ſen the date of the ſaid Commiſſion conforme thereto, in the hands of the Lords of his Highnes Privie Councell, and all infeftments proceeding there-upon, orderly paſt his Highnes Caſchet, Regiſters, and ordinar Seales, together with all Confirmations granted by his Majeſties ordinar Officers, of Infeftments of any lands perteining to his Majeſties faithfull ſubjects; whilks confirmations are likewiſe orderly paſt his Majeſties Caſchet, and remanent Seales, and ordinar Regiſters; together with all and ſundry infeftments and confirmations to be hereafter paſt and exped upon the like Reſignations in the hands of the Lords of his Majeſties Secret Councell, and orderly exped throw his Majeſties Seales and Regiſters, to have been, and to be now and in all time comming, als lawfull, valide and ſufficient in judgement and out-with, as if the ſaids Reſignations had been made in his Highnes awne hands, and had been received by his Highnes, and as if the ſignatours of the infeftments following thereupon, and of the ſaids confirmations had been ſigned and ſubſcryved with his awn Royall hand.

Act ordeining Letters of Horning to be direct upon Admirals decreets.

CHAP. XV.

FOrſameikle as by Act of Parliament made at *Perth* in the moneth of July 1606. It was then ſtatute and ordeined in all time coming, that all decreets given by Sheriffs, Commiſſars, Baillies of Regalities, Baillies of Baillieries and Stewartries, ſhould paſſe and have execution of Horning upon ten dayes warning, as at mair length is conteined in the ſaid Act, wherein there was the time of the paſſing thereof omitted and not expreſſed therein; the decreets to be given by the great Admirall of this Realm, and his Deputes, whilk being a Soveraigne Judicatorie in it ſelf, and of it awn nature importing ſummar execution. Our Soveraigne Lord and Eſtates preſently conveened, in conſideration that the inſufficiencie, corruption and defects whilk were in the Deputes and members of theſe Courts in former times, and whereby theſe Judicatories were thought not worthie of that favour, is now helped and well amended by the planting of habile, worthie and ſufficient men in their places, hes enacted, ſtatute, and ordeined, that ſic like execution of Horning paſſe upon all decreets to be given before the ſaid great Admirall and his Deputes in time coming, as upon any the ſaids Sheriffs, Commiſſars, or other inferiour Judges decreets, conform to the ſaid act of Parliament made there-anent of before.

Collected, viſited and extracted forth of the Books and Regiſter of the Acts of Parliament, by me Sir JOHN SKENE *of* Curre-hill *Knight, Clerk of his Majeſties Councell, Regiſter and Rolls, under my ſigne and ſubſcription manuall.*

IOANNES SKENE Cler. Regiſtri.

A Table of the particular Acts and others, paſt in the XX. Parliament, halden at EDINBURGH the twenty fourth day of June 1609. not imprinted.

1 THe Forfalture of the Lord Maxwell.
2 The Forfalture of the Laird of Reſtalrig.
3 Act for uniting certain Kirks in Annandaill.
4 Act anent the Caſtel of Annand.
5 Act anent the Kirk of Leith.
6 Act anent the Kirk of Carmylie.
7 Act in favours of the Univerſitie of S. Andrewes.
8 Ratification of the infeftment of Broxmouth to the Earle of Dumbar.
9 Act in favours of the Lord Scoone of the intromiſsion with the Kings Rents.
10 Ratification in favours of James Maxwell anent the Lands halden by him of the Lord Maxwell.
11 Act in favour of James Maxwell anent the debaitable Lands.
12 Ratification in favours of John Murray of Dumdranane.
13 Act in favour of the Laird of Lugton anent Saint-Leonards Hoſpital.
14 Ratification of ane penſion to the Lord Whittinghame.
15 Ratification of ane penſion to William Elphingtons Bairns.
16 Annexation of the Abbacie of Ferne to the Biſhoprick of Roſſe.
17 Ratification of Kintor to the Earle Marſhell.
18 Act in favours of the Earle of Argyle anent Baltrynnes.
19 Act in favour of Maſter John Laing anent the Signet.
20 Diſcharge of the Few-dueties of Murdocarnie to Sir Robert Malveill.
21 Act in favours of Archibald Johnſton, Sir John Arnot, and Andro Logan.
22 Erection of Kilwinning.
23 Erection of Melros.
24 Act in favours of the Earle of Morton.
25 Act in favours of the Lord Lowdon anent Killiſmure.
26 Erection of Cauldſtene to Sir John Ker.
27 Erection of Eckles to Sir George Home.
28 Erection of Halywood to Closburne.
29 Erection of Saint-Colme to the Lord Sainct-Colme.
30 Ratification of the infeftment of Byres to the Lord Advocat.
31 Ratification of Cock-pules infeftment.
32 Ratification of North-Berwick infeftment.
33 Ratification of the Lord Kinlos his infeftment.
34 Ratification to Gawen Hammilton of lands within Kilwinning.
35 Ratification to James Liddell of his infeftment.
36 Ratification in favours of the Lord Sanquhare.
37 Act anent the aboliſhing of the Secretars Regiſter.
38 Act anent the reſtitution of David Hammilton of Bothwel-haugh.
39 Act in favours of the Lord Maxwels vaſſels.
40 Ane ſubmiſsion betwixt the Biſhop of Saint-Andrewes and the Lord Advocat in the Kings Name.
41 Ratification of the Laird of Spot his infeftment.
42 Act in favours of the town of Perth for bigging of their Bridge.
43 Reſtitution of the Laird of Niddrie.
44 Commiſsion for raviſhing of Women.

FINIS.

Ane Table of the principall matters conteined in the xvi. Parliament, and others Parliaments following.

A

Admirall his decreets ſhould receive the execution of Homing in ſic forme as the decreets given by Sheriffs and others. Jac.6.par.20.c.15.

Annexation made 1587.yeirs, in ſa far as extends to the prejudice of Biſhops, and of common Kirks diſmembred from the Biſhopricks, and of thirds ſeparated from the ſamine, is retreated and reſcinded. Jac.6. parl.18. c.2.

Annexation of the Earledome of Gowrie, Ruthven, and the Abbacie of Scoone, &c. to the Crowne. Jac.6. p.16. c.2.

Archbiſhops, vid. Biſhops.

B

Barons ſhould receive, keep and anſwere for pledges of the Border. Jac.6. p.16. c.28.

Barons, Noblemen and others who directs their ſons forth of this Realm with a Podagogue, not having teſtimonial of the Biſhop of the Diocie, are puniſhed by certain pecunial penalties. Jac 6.p.20.c.1.

Bees ſtealers are puniſhed. Jac.6. parl.19.c.3.

Beggers and puniſhment of them. Vid. Kirk.

Benefices and diſpoſition thereof. Vid. King.

Biſhops may quietly bruik and poſſeſſe the honours, dignities, priviledges, prerogatives and benefices competent to them ſen the Reformation of Religion, &c. Jac.6. p.18. c.2.

Biſhops ſhould entertain the Miniſters ſerving at the cure of the Kirks of their Biſhopricks. Ja.6.p.18.c.2.

Biſhops ſhall renew infeftments, confirmations and tacks to the poſſeſſions of lands and teyndes of Biſhopricks. Ja.6. p.18. c.2.

Biſhops may not give any penſion to endure langer time nor the Biſhop ſhall bruik the Biſhoprick. Biſhops may not delapidate their Benefices. Biſhops may not ſet in few, tack or make any diſpoſition without conſent of the chapter. Ja.6.p.18.c.3.

Biſhops and Archbiſhops may ſet as many tacks lang or ſhort as they pleaſe. Ja.6 p.18.c.3. All Biſhops ſhould make and give in to the Clerk of Regiſter and his Deputes ane ſufficient Rentall of their Biſhopricks under the paine of a thouſand marks. Ja.6. parl.18. c.3.

Biſhops of the Diocie ſhould give their teſtimoniall to all Pedagogues paſſing forth of the Realm with any Noble-mans ſon. Jac.6 parl.23.c.1.

Arch-biſhops and Biſhops ſhall give ane Roll yearly of excommunicat perſons for Religion within his Diocie to the Theſaurer, Comptroller, Collector and director of the Chauncellary. Jac.6. p.20. c.4. Arch-biſhops and Biſhops are reſtored to their former authoritie and juriſdiction. Jac.6.p.20.c.6. Arch-biſhops and Biſhops hes power of confirmation of Teſtaments within their awn bounds. Jac.6.p.20.c.9.

Blench-duties of lands halden of the King ſhould be payed to him by his vaſſals conform to the infeftments of the ſaminbe asked alanerly. Ja.6.p.18.c.14

Brooms ſhould not be cutted. Jac.6.par.19.c.3.

Burrows Regals, their freedoms and liberties ratified and confirmed. Jac.6.p.18.c.16. Jac.6.p.19.c.5.

Burrowes and inhabitants thereof may not convocate nor aſſemble themſelves together without licence of Proveſt and Baillies. Jac. 6. parl. 18. c. 17. Magiſtrats ſic as Proveſt and Baillies, or others within Burgh, ſhall be merchants and actual traffickers inhabiting within the Burgh, & na others. Jac.6. p.20.c.8. Inhabitants of Burrowes ſhould aſſiſt the Magiſtrats and Officers for ſettling of tumults. Jac.6. p.18. c.17. Unfree-men within Burgh, not being Burgeſſes, ſhould not uſe traffick of merchandiſe. Jac.6.p.18.c.6.

Buhyon ſhould be brought hame according to the ordinance of Secret Councell. Jac.6.p.16.c.9.

C

Caſtel of Saint-Andrews is excepted forth of the act anent the reſtitutiō of Biſhops. Ja.6.p.18.c.2.

Chapter of Arch-Biſhop of Saint-Andrewes conſiſts in ſeven perſons. Jac.6.p.18.c.3. Jac.6.p.19.c.8.

Clerk of Regiſter ſhal make by himſelf or his deputes, the Regiſters of all Sheriff-Clerks, whilks they ſhould preſent to him to that effect. Ja.6.p.16.c.21.

Clerk of Regiſter and his deputes ſhould receive from all Arch-biſhops & Biſhops ane ſufficient rentall of the patrimonie of ilk Biſhoprick. Jac.6.p.18.c.3.

Coalyers, Coal-bearers and Salters ſhal not be conduced or hyred without ane teſtimonial of their maſter whom they laſt ſerved. Jac. 6. p.18. c.11.

Commiſſion anent the Union of the two Realmes. Jac.6. parl.17. cap.1.

Commiſſaries of Edinburgh and others ſhould be nominate by Arch-Biſhops and Biſhops, and ſhould be Judges in all Spiritual and Eccleſiaſtical cauſes Jac6. p.20.c.6. The Commiſſares of Edinburgh ſhould decide in all cauſes of Divorcements, and hes power of reduction of decreets given by inferior Commiſſars, Jac.6.p.20.c.6. The Commiſſares preſently in office, their Clerks and others members of Court having ane teſtimonial of their qualification from the Lords of Seſſion, and having new preſentation, ſhall bruik their offices. Jac.6. par.20. c.6.

Common Kirks of Biſhopricks and their Chapters of auld, &c. Jac. 6.p.18. c.2.

Craftſmen and the conduction of them. Ja.6.p.18.c.6.

Cuſtomers ſhall cauſe make ane ſeal to be appended to every wob, claith, ſilk and ſtuffe, brought within this Realme before the ſamine be preſented to the market. Jac.6. p.16.c.15.

Cuſtoms between England and Scotland. Ja.6.p.18.c.6 Uncuſtomed goods ſhould not be tranſported forth of this Realme, nor in-brought within the ſamin, under the pain of eſcheat thereof, and all other moveable goods. Jac 6. p.16. c.15.

D

Decreets of ejection and removing given againſt indwellers on the Borders, twenty years before the Kings Majeſties ſucceſſion to the Crown of England, and execution thereof. Ja.6. p.18. c.9. Letters of horning to be direct upon al decreits of Burrows, given at their convention betwixt Burgh and Burgh, and Burgeſſes of free Burrows. Jac. 6. p.19. c.6. Executions of decreets given by Sheriffs, Stewarts and Baillies, may be by letters of horning. Ja.6.p.18.c.10. And ſiclike letters of horning ſhould be granted for executiō of decreits given

ven by the Admiral and his deputs. Ja.6.p.29.c.15.
Deadly feads ſhould be removed by the ſecret Councell. Jac.16.p.16.c.22. Jac.6.p.20.c.7.
Director of the Chancellary ſhall give out na Brieves, receive na Retours, nor direct na Precepts upon Retours, nor upon compryſing in favours of any excommunicate perſons given to him in Roll by the Biſhops. Jac.6.p.20.c.4.
Diſſolution of all lands and bounds whereupon any of the Kings auld demoliſhed unhabitable Caſtels and Forths were ſituate, and of all coal-heughs within the bounds of the Kings annexed property Jac 6 p.16.c.8.
Diſſolation of the lands of Huntingtour, Strathbrane, and others, &c. Jac.6.p.18.c.18.
Diſſolution of all and hail the hils of the Lowmonds, and Mure of Falkland. Jac.6.p.18.c.19.
Domcat breakers are puniſhed by the arbitrie of the judge. Jac.6.p.19.c.3.

E

Egyptians ſould be puniſhed to death. J.6.p.20.c.12
Englands, malicious and ſlanderous ſpeeches or writers againſt England ſhal be ſeverely puniſhed. Jac.6.p.20.c.9.
Excommunicat perſons ſhal not directly nor indirectly enjoy the poſſeſſion of their lands or rents, but the ſamine does appertain to the King. Ja.6.p.20.c.3. Ane Roll of excommunicat perſons for Religion ſhall be given up by the Biſhops anes every year to the Theſaurer, Comptroller, Collector and Director of the Chancellary, &c. Jac.6.p.20.c.3. Brieves and Precepts of *Clarè conſtat*, and entreſſe upon compryſings may be refuſed to perſons excommunicat for Religion. Jac.6.p.20.c.4.

F

Falſe weights and meaſures, the uſers thereof tyns and amits their haill goods and geir. Ja.6.p.19.c.2
Few-ferme of Lands halden by ſervice of *Waird* and *Relief*, ſet by vaſſals without conſent of their ſuperiours, is null. Jac.6.p.18.c.12.
Fences or Cloſures ſhould not be broken down to paſture within the ſamine. Ja.6.p.19.c.3. Gif any perſon beis forfaulted, and his lands or poſſeſſions are diſponed to any Donator, the extract of the diſpoſition or confirmation made to him wha is forfaulted, extract forth of the Regiſter, is ſufficient title and right to the Donator. Jac.6.p.18.c.4.
Forbidden goods ſould not be tranſported forth of the Realm, nor inbroght within the ſamine, under the pain of eſcheat of all movable goods. J.6.p.16.c.15
Fiſhes ſhould not be ſtollen in Stanks and Lochs. Iac.6.p.19.c.3.
Fugitive perſons of the Borders, and broken men, ſhould be inrolled by the Kings great Commiſſioner. Iac.6.p.20.c.10.

G

Gleibs at Kirks where there are na arable lands adjacent thereto, ſhal be deſigned 4. ſoumes graſſe, for ilk aiker of 4. aikers of the maiſt commodious paſturage of any Kirk lands. Iac.6.p.18.c.7.
Graſſe ſhould not be ſhorn within Broome, Woods, Fences or Cloſures. Jac.6.p.19.c.3.

H

Hearers and wearers upon their perſons or in their companies of *Hagbuts* and Piſtolets, and other ingynes of fire-wark, may be purſued criminally, or before the Lords of Secret Councell. Ja.6.p.16.c.6.
Haly-day is ordeined to be keeped yearly the fift day of Auguſt. Iac.6.p.16.c.1.
Herring ſhould not be packed, peilled, ſalted, barrelled, or tranſported forth of the Realm before Michaelmas yearly. Ja.6.p.16.c.20.
Horning and Regiſtration thereof, Vid. Regiſtration. Vid. decreets and execution thereof. Letters of Horning ſhould not be direct againſt any perſons dwelling be-north the water of Dee upon ane ſhorter ſpace nor 15. dayes. Iac.6.p.16.c.25. Letters of Horning ſhall be direct upon all acts and ſentences of Sheriffs, Stewarts, and Bailies of Royalitie and Regalitie, and of Proveſts and Bailifes within Burgh. Ja.6.p.18.c.10. And ſiclike Letters of Horning upon all decreets given by Burrows, at their Conventions betwixt Burgh and Burgh, and Burgeſſes of free Burrowes, Ja.6.p.19.c.6. And likewiſe upon Admirals decreets. Ja.6.p.20.c.15.

I

Jeſuits & other enemies of the Religion. Vid. Relig.
Judges Civil and Eccleſiaſtical ſhal keep & obſerve the fifth day of Auguſt as Haly-day. Ja.6.p.16.r.1.
Juſticiars and Commiſſioners of Peace are ordeined with their power. Ja.6.p.20.c.7.

K

THe Kings prerogative & priviledge of his Crown over all eſtates, perſons and cauſes whatſomever within this Kingdome. Ja.6.p.18.c.1. p.20.c.6.
King ratifies and confirms all erections, infeftments, patronages, tacks, &c. of all Benefices whilks are not of cure, given and diſponed by his Majeſty, &c. Ja.6.p.18.c.2. The apparell of Iudges, Lords of the Seſſion, and of Kirk-men, is referred to the King. Ja.6.p.20.c.8. Whaſoever purſues or invades any of the Kings Seſſion, Secret Councel, or any his Highnes Officiars for doing of his Majeſties ſervice, ſhall be puniſhed to the death. Ja.6.p.16.c.4. No perſon ſhal invade or purſue ane other within a mile to the place of the Kings Majeſties reſidence and remaining for the time. And ſiclike na perſon ſhall reſort and repair within the Kings Palaces, or any part of his Highnes reſidence, armed with tacks, ſecrets, &c. Ja.6.p.16.c.26. The Kings Officiars and their ſloth and negligence in purſuing or defending his actions and cauſes, may be helped and ſupplied by their ſucceſſours. Ja.6.p.16.c.14.
Kirk and libertie thereof is ratified and confirmed. Ja.6.p.16.c.16. The Seſſion of the Kirk ſhould puniſh ſtrong and idle beggers, under the paine of twenty pounds. Ja.6.p.16.c.19.

L

Licence granted by the King for bearing and wearing of Hagbuts, Piſtolets, and other Engines of fire-wark are diſcharged, and ſic Licences may be granted in time comming by the King and his Secret Councel. Ja.6.p.16.c.6.
Licence for tranſporting of herring before Michalmes ſhould not be granted, but with conſent of the Councel ſitting, & under the ſeals. Ja.6.p.16.c.10.
Lint being green, ſhould not be laid in Lochs and runniug burns, under the pain of fourtie ſhillings. Ja.6.p.18.c.13.

M

Mariage of any perſon divorced for adultery for his awn crime & fact of adultery with the other perſon

perſon with whom they have committed the crime of adultery, is null and unlawfull, and the children gotten in the ſaid marriage are unlawfull to ſucceed. Jac.6.p.16.c.20.

Meaſures. Vid. Weights.

Maſſe ſayers, and wilfull hearers thereof, and their reſetters are puniſhed. Jac.6.par.19.c.1. p.20.c.5.

Miniſters ſerving at the cure of the Kirk, ſhould be ſuſtreined by the Biſhops. Ja.6. p.18.c.3.

Miniſters lawfully provided to cõmon Kirks perteining of auld to Biſhopricks and their chapters, ſhall poſſeſs the ſame during their lifetimes. Ja.6.p.18.c.2

Money, ſic as gold and ſilver, ſhould not be altered in fynneſs nor price. Jac.6.p.16.c.9.

N

Non-communicants. Vid. Religion.

P

Patronage of Kirks perteining to Biſhopricks diſponed by the lawfull titulars and the King, and not confirmed in Parliament, is of nane avail. Jac. 6.p.18. c.2.

Park-dykes ſhould not be broken down to paſture within the ſamine. Ja.6.p.19.c.3.

Patronage of benefices alledged perteining to perſons forfaulted, & thereafter reſtored, &c. Ja.6.p.20.c.12

Pedagogues paſſing forth of this Realm with Noble mens ſons, ſhould have a teſtimoniall of their qualification and Religion. Jac.6.parl.20.c.2.

Piſtolets. Vid. Hagbuts.

Pledges ſhould be received by the Nobilitie and Barons to be keeped by them, wha ſhal be anſwerable for them that they eſcape not. Ja.6.p.16.c.28.

Purpriſion is committed by them wha labours, manures, ſawes parks, incloſes or appropriats any part of the Kings common Mures or other Commonties perteining to him. Jac.6.p.16.c.5.

R

Regiſtration of Letters of Hornings, relaxations, inhibitions before ane Notar and witneſſes is diſcharged, but the ſamin ſhould be regiſtrat in the Sheriffs, Baillies or Stewarts books by the Clerks thereof, or by the Clerk of Regiſter, or his deputes in the Books of Councel. Ja.6.p.16.c.13.

Religion preſently profeſſed within this Realm ſould be imbraced by all ſubjects, and them wha abſteins from receiving of the Communion and Lords ſupper, are puniſhed by divers pecuniall pains. Jac.6. p. 16. c.17. All Judges, members of Court, Officiars whatſomever, ſhould profeſſe the true Religion. Jac.6. p.20.c.5. Barons and other Noble-men, gif their ſons in other countreyes become Papiſts, and haunts Idolatrie, their parents ſhall not furniſh them with any thing neceſſar. Jac.6. p.20.c.2.

Rentall of Biſhopricks conſiſting in victual or ſilver, ſhould not be diminiſhed. Ja.6.p.16.c.3.

Reſtitution by way of grace of forfaulted perſons ſhal not prejudge any third perſon having diſpoſition made to him by the King of any land or poſſeſſion whilk perteined to the perſon forfaulted. Ja.6.p.18 c.4. Jeſuits, Seminarie Prieſts, excommunicate and traffiking Papiſts ſhould be apprehended and put in ward, and the reſetters of them are puniſhed by pecunial pains. Jac.6.p.16.c.18. Jac.6. p.20.c.5. They and their reſetters ſhould be called & tryed before Arch-Biſhops and Biſhops. Ja.6.p.20.c.5.

Reſetters wilfully of excommunicat Papiſts wha are at the Horn for the ſamine cauſe, are puniſhed by pecunial penalties. Ja.6. p.19.c.1.

Reſetters of Egyptians ſhall be warded and tyne their eſcheat. Jac.6. par.20.c.13.

Reſignation made in the hands of the Lords of Privie Councel, are lawfull, valide, and ſufficient. Jac.6. p.20.c.14.

S

Salmond, Kipper, Smolts and black fiſh may not be taken in the waters of Tweed or Anand under the pain of theft. Jac.6.p.18.c.5. Vid. ſlayers, &c.

Slayers of Salmond in forbidden time, or of Kipper, Smolts, or ſic black fiſh at any time, ſhould be puniſhed as the cryme of theft. Jac.6.p.16.c.11.

Saltors may not be hired without teſtimonial of their maſters whom they laſt ſerved. Jac.6.p.18.c.11.

Seiſings whilk are given by vertue of precepts that paſſes upon retours forth of the Chancellarie, ſhall be given by the Sheriffs of the Shires, Baillie or Stewarts where the lands lyes, their deputes and Clerk. Ja.6.p.18.c.15.

Seſſion and Lords thereof are the Kings great Conſiſtorie, and hes power to reduce decreets given by the Commiſſars of Edinburgh. Jac.6. parl.20.c.6. The Lords hes power to advocate to themſelves any cauſe from any Commiſsars. Jac. 6. p.20.c.6. The Lords of Councell and Seſſion hes diſponed to them by the King, ten thouſand pounds of the Cuſtomes, to be payed to them at Whitſonday and Martimas yearly. Jac. 6. p.20.c.14.

Sheriffs of the Mernes ſhall ſit and hald their Courts at the Stanehyve. Jac.6.p.16.c.27. p.19.c.7.

Sherifs and all other Magiſtrats in whoſe bounds Egyptians remains, publickly ſhould be puniſhed. Jac 6. parl.20. cap.13.

Sherif-clerks in all regiſtrations and other letters and extracts given forth by them, ſhall contein the leaf of their book wherein the ſamine is regiſtrat. Jac. 6.parl. 16. c. 21.

Singular combats are forbidden under the paine of death, and eſcheat of all their moveable goods. Jac.6.p.16.c.12.

T

Tacks and aſſedations of teinds may be ſet by any beneficed perſon. Jac.6. p.18.c.3.

Teinding of corn ſal be at 3 ſeveral times yearly, if the liwiers of the corns ſal think it expedient. J.6.p.18.c.8

Theſaurer ſould receive na reſignations, nor grant confirmations nor infeftments to excõmunicat perſons given to him in Rol by the Biſhop. Jac.6. p.20. c.4.

Trees ſhould not be cutted by any perſons. Jac.6.p.19. c.3.

V

Aſſals of any Earl, Lord, Baron, Prelat, or any free halder, halding their lands by ſervice of ward and relief, may not ſet the ſamine in few-ferm, without conſent of their ſuperiour. Jac.6. p.18. c. 12.

Vaſſals to Iohn, ſometime Earle Gowrie, ſhould bruik and poſſeſſe all their lands, heritages, &c. notwithſtanding the proceſſe of forfaulture led and deduced againſt him. Jac.6.p.16.c.3.

Weights, mets & meaſurs ſould be in an univerſal cõformity throughout the hail Realm. Ja.6. p.19. c.2.

Woods wha breaks down the ſamine perteining to his neighbour to paſture within the ſamine, is puniſhed. Ja.6.p.19.c.3.

Uſurie and ocker may be proven by the oath of him wha receives the unlawfull ſummes, or by the witneſſes inſert in the ſecuritie. Ja.6.p.16.c.7.

Wild-beaſts and fowls ſhould not be bought and ſold under the pain of 100 pounds, nor yet ſhould not be ſlain by girn, net, nor hagbut under the ſamine pain. *Item*, Moorpouts ſhould not be ſlain nor eaten before the third day of Iuly, nor Partridge pouts before the eight day of September. Ja.6 p.16.c.13.

FINIS.

THE

TVVENTY ONE PARLIAMENT,

Of our moſt high and dread Soveraigne

JAMES

By the grace of God, King of SCOTLAND, ENGLAND, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Edinburgh* the twenty third day of October 1612.

By the noble and potent Lord ALEXANDER Earle of *Dumfermling*, Lord *Fyvie* and *Vrquhart*, great Chauncellour of SCOTLAND, &c. Commiſſioner appointed for holding of the ſaid Parliament, By vertue of his Majeſties Commiſſion granted to him under the great Seal of this Kingdome, with the ſpeciall advice, conſent and aſſent of the Eſtates of this Realme.

A Ratification of the Acts and Concluſions, ſet down and agreed upon in the Generall Aſſembly of the Kirk, keeped in Glaſgow *in the moneth of June* 1610. *Together with ane explanation made by the Eſtates of ſome of the Articles of the ſame.*

CHAP. I.

FOrſameikle as in the Parliament halden at *Edinburgh* in the year of God 1597. The Eſtates of this Kingdome remitted to his Majeſtie to conſult and agree with the Generall Aſſembly of the Kirk, upon the authoritie and power whilk the Arch-biſhops and Biſhops ſhould have in the Policie and Diſcipline of the Kirk. Where-anent after that his Majeſtie and his Commiſſioners had many times moſt ſeriouſly conferred and adviſed with the Miniſterie. At laſt concluſion was taken in the Generall Aſſembly halden at *Glaſgow* in the moneth of June 1610. yeares. Determining all the doubtfull and contraverted points concerning the

jurisdiction, policie, and discipline foresaid, with full and uniforme consent of ane very frequent number of godly Ministers, assisted by the counsel and concurrence of ane great many of best affected Nobilitie, Barons, and Commissioners of Burrows of this Kingdom, in manner, substance and effect following: with the explanation made by the Estates of Parliament presently conveened, of some of these articles resolved upon in the foresaid Assembly of *Glasgow*.

In the first the foresaid Assembly acknowledgeth the Indiction of the Generall Assembly of the Kirk to appertain to his Majesty, by the prerogative of his Royall Crown.

And farther Ordeineth, that the Bishops shall be Moderators in every Diocesian Synode. And the Synode shall hald twise in the year of the Kirks of every Diocie: *viz.* in April, and October: And where the Dioceses are large, that there be two or three Synodes in convenient places for ease of the Ministery. And in case the Bishop of the Diocie be absent upon any necessar occasion, in that case his place shall be supplyed by sic ane worthy Minister (bearing charge within the bounds) as the Arch-bishop or Bishop shall appoint.

That no sentence of Excommunication or absolution thereof be pronounced against or in favours of any person, without the knowledge and approbation of the Bishop of the Diocie, who must be answerable to God and his Majesty for all formall and unpartiall proceeding therein: And the processe being found formall, the sentence to be pronounced at the direction of the Bishop, by the Minister of the Paroch where the offender dwels, and the processe began.

That all præsentations to Benefices be directed hereafter to the Archbishop or Bishop of the Diocie, within the which the Benefice vacant by dimission, deprivation, decease, or otherwayes lyeth. With power also to the Arch-bishop or Bishop to dispone and conferr sic Benefices as falls in his Diocie (*Jure devoluto.*) Provyding alwayes incase any Archbishop or Bishop, should refuse to admit any qualified Minister, (accepting the præsentation granted to him, and who hath been once received and admitted to the function of the Ministerie, being then still undepryved) presented to them by the Patron; In the case of any sic refuse, it shall be lawfull to the Patron to retein the whole fruits of the said Benefice in his awn hands. And either he or the Paroch wanting a Pastor, by reason of the not planting of the Kirk. (Incase the refusall thereof come by the Bishop) may complain thereof to his Arch-bishop, and if either the Arch-bishop be the refuser, or els doth not give due redresse being complained unto: In that case the Lords of his Majesties Privie Councell upon the parties complaint of the refuse, and no sufficient reason being given for the same, shall direct Letters of horning, charging the Ordinary to do his dutie in the receiving and admitting of sic a person as the said Patron hath presented. It is alwayes Declared, that if any Arch-bishop or Bishop shall deprehend any sic person as is presented to him to have come within compasse of a Simoniacall paction with his Patron, in so far as he hath either already hurt, or promised and bound himself to prejudge and hurt the state of his Benefice, in not reserving a sufficient maintenance for him and his successours answerable to the estate of his Benefice: And that the Bishop or Arch-bishop shall understand the same either by the parties oath, or other clear proof and evidence; In that case they may lawfully refuse any sic person presented unto them. But if the party who is presented hath reserved to himself and his successours a sufficient maintenance, the setting of tacks, or promise to do the same, or doing of any thing els to his Patron (being not prejudiciall to that aforesaid maintenance) shall nowayes be ascryved to any Simoniacall paction, nor shall not serve for any reason to the Arch-bishop or Bishop to refuse him. And incase any sic controversie or question shall occurre betwixt the Patron, the person presented, and the Arch-bishop or Bishop: It is declared, that the Lords of Councell and Session shall be Judges thereunto, to decide upon the said Simoniall paction and qualitie of the same, if any sic thing shall be objected against the party presented.

In deposition of the Ministers, the Bishop associating to himself the Ministery of these

bounds

bounds where the deliquent ſerved, he is there to take tryall of the fact, and upon juſt cauſe found to depryve: And the like order to be obſerved in ſuſpenſion of Miniſters from the exerciſe of the function.

That every Miniſter in his admiſſion ſhall ſwear obedience to his Majeſty, and to his Ordinar, according to this forme following: I *A.B.* now nominat and admitted to the Kirk of *D.* Teſtifie and declare in my conſcience, That the *Right Excellent, Right High* and *Mighty Prince*, JAMES the Sext by the grace of GOD, King of *Scotland, England, France* and *Ireland, defender of the Faith*, &c. is the only lawfull Supreme Governour of this Realme, alſwell in matters Spirituall and Eccleſiaſticall, as in things Temporall: And that no forreigne Prince, State, nor Potentate, hes or ought to have any juriſdiction, power, ſuperioritie, preeminence or authority, Eccleſiaſticall or Spirituall, within this Realme. And therefore I utterly renounce and forſake all forreigne juriſdiction, power, ſuperiorities and authorities. And promiſe that from this forth I ſhall and will bear faith and true alledgeance to his Highnes, his Heires and lawfull Succeſſours: And to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preeminences, and authorities granted and belonging to his Highnes, his Heires and lawfull Succeſſours or united and annexed to his Royall Crown. And further I acknawledge and confeſſe to have and to hold the ſaid *C.* and poſſeſſion of the ſame under GOD, of his Majeſty, and his Crown Royall of this Realme: and for the ſaids poſſeſsions, I do homage preſently to his Highnes in your preſence, and to his Majeſty his Heires and lawfull Succeſſours ſhall be true. *So help me God.* And als, that every Miniſter in his admiſsion ſhall ſweare obedience to his Ordinar, according to this forme following: I *A.B.* now admitted to the Kirk of *C.* promiſes and ſweares to *E. F.* Biſhop of that Diocie, obedience, and to his Succeſſours in all lawfull things. *So help me God.*

And if the ſaid Benefice be at the preſentation of ane Laick Patron, the perſon preſented ſhall give his oath as followes: I *G. H.* now admitted to the foreſaid Benefice, Teſtifie and declare in my conſcience, That the *Right Excellent, Right High* and *Mighty Prince*, JAMES the Sext, by the grace of GOD, King of *Scotland, England, France*, and *Ireland, defender of the Faith*, &c. is the onely lawfull Supreme Governour of this Realme, alſwell in matters Spirituall and Eccleſiaſtick, as in things Temporall. And that na forreigne Prince, State, nor Potentate, hes or ought to have any juriſdiction, power, ſupetioritie, preeminence, or authoritie Eccleſiaſticall or Spirituall, within this Realme. And therefore I utterly renounce and forſake all forreigne juriſdiction, power, ſuperiorities and authorities. And promiſes that from this forth I ſhall and will bear faith and true alledgeance to his Highnes, his Heires and lawfull Succeſſours. And to my power ſhall aſsiſt and defend all juriſdictions, priviledges, preeminences, and authorities granted and belonging to his Highnes, his Heires or lawfull ſucceſſours, or united and annexed to his Royall Crown. And I do acknawledge and confeſſe to have and hald the ſaid Benefice and poſſeſſions of the ſame, under GOD, by his Majeſty, of *E. F.* lawfull Patron of the ſame.

That the viſitation of ilk Diocie be done by the Biſhop himſelf: and if the bounds be greater then he can over-take, that then he make ſpecial choiſe of ſome worthy man of the Miniſtery within the Diocie, to viſit in his place: And what ever Miniſter without juſt cauſe or lawfull excuſe made, ſhall abſent himſelf from the Viſitation, or the Diocetian Aſſembly, he ſhall be ſuſpended from his Office and Benefice: and if he amend not, he ſhall be depryved.

That the Conventions of Miniſters for exerciſe, ſhall be moderated by the Biſhop, being preſent; and in his abſence, by any other Miniſter whom he ſhall appoint at the Synode.

Whilks Acts, Ordinances, Declarations, and Determinations above-written, his Majeſty finding to be very agreeable to the true Religion profeſſed within this Kingdome, and to the godly and decent governement of the Kirk, Miniſterie, and whole Members thereof. Therefore his Highnes, with advice and conſent of the Eſtates of

Parlia-

Parliament, Ratifies, approves and confirmes all and ſundry the premiſſes, and ordeins them and every ane of them, to be obeyed and obſerved by all his Highnes ſubjects, as inviolable Lawes in all time comming. Annulling and reſcinding the 114. Act of his Majeſties Parliament halden in Anno 1592. And all and whatſomever others Acts of Parliament, Lawes, Ordinances, Conſtitutions, Sentences and Cuſtomes, in ſo far as they or any of them, or any part of the ſame are contrare or derogatorie to any of the articles above-written: als eſſentially and effectually in all reſpects, as if the ſaids Acts and conſuetudes hereby abrogate, were at length herein expreſt.

Ane Act for remanding back to his Majeſties Officiars of Juſtice in England, *of offenders in ſome particular crimes in the Act mentioned, who after the committing the offence in* England, *ſhall be thereupon fugitive, and remaine in this Kingdome.*

CHAP. II.

OUR Soveraigne Lord and Eſtates of Parliament, conſidering that albeit the good effects of his Majeſties carefull providence, to repreſſe the innumerable diſorders, crimes and offences, whilks before his happy atteining to the Crown of *England*, were not only frequent, but almoſt ordinare in theſe bounds of the Kingdoms of *Scotland* and *England*, (which then being the Borders of the two Kingdomes, are now become the middle Shires thereof.) Hes reduced theſe parts to ſo good progreſſe of peace and obedience, as in ſo ſhort time could hardly have been expected. Nevertheleſſe it is founden by experience, that alſwell in theſe Shires, as in divers others parts of both Kingdomes, ſome evill diſpoſed perſons are emboldened to attempt and perpetrate many haynous crimes and offences, upon hope of impunitie. If after the committing of the ſame in the one Countrey, they may flee and eſcape to the other, and not be ſent back to the place of their offence. The practice whereof hes made many odious crimes and tranſgreſſions heretofore to remain unpuniſhed, to the great contempt of his Majeſties authoritie, and univerſall grief of all good ſubjects of both Kingdomes.

For remeed whereof our Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Statutes and ordeins, that if at any time after the end of this preſent Seſſion of Parliament, any perſon or perſons ſhall commit any crime or offence within the Realme of *England*, whilk by the Lawes of the Kingdome of *Scotland*, are or ſhall be declared or ordeined to be pettie treaſon, murther, man-ſlaughter, fellonous burning of Houſes and Corne, Burglarie, robbing of houſes by day, robberie, theft, or rapt, and ſhall flee or eſcape into this Realme of *Scotland*, and be taken and apprehended within any part of the ſaid Kingdome of *Scotland*, bounds and dominions thereof: That then it may and ſhall be lawfull to and for the Juſtice Generall and his ordinar Depute, the Sheriffs, Stewards, Lords, and Baillies of Regalities, the Commiſsioners of borders, or any two of them, in their ordinar Courts, or the Juſtices of Peace in their Generall and Quarter Seſsions, or any foure of them: upon due and mature examination of the ſaid offence or offences in open Courts or Seſsions, and pregnant proofs of the ſame by warrand under their hands and ſeales. To Remaund and ſend all ſuch offenders into the Realme of *England*, there to receive their tryall for any of the foreſaids offences committed by them within the ſaid Realme of *England*, in manner above-mentioned: Notwithſtanding any Law, Act, or Conſtitution, made at any time heretofore to the contrair.

Provyding nevertheleſſe, that this Act or any clauſe therein contained, ſhall not take effect, force nor execution in any ſort: Exceptand Law and Act of Parliament be made and eſtabliſhed within the Realme of *England* in the firſt Seſsion of the next Parliament thereof: For Remaunding and ſending out of the ſaid Realme of *England* into the Realme of *Scotland* all perſons who ſhall at any time hereafter commit any of the crimes or offences foreſaids, within the Realme of *Scotland*, and thereafter flee into *England*, or any part of the dominions of the ſaid Kingdome, to receive their tryall in due examina-

examination and puniſhment within the Realm of *Scotland*, for every ane of the ſaid offences committed by them within the ſaid Realme of *Scotland* in manner before mentioned.

Ane Act declaring that in all time hereafter, the objecting of Horning for a Civil cauſe of the partie either ſlain or mutilate, ſhall be no liberation of the offender from the puniſhment due of the Law.

CHAP. III.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Statutes, that if any of his ſubjects be mutilat or ſlain, being at the Horn onely for Civill cauſes, the ſlayer being purſued, or ſic as are airt or part of the ſaids crimes of ſlaughter or mutilation before the Juſtice general, his Depütes, or any other ordinar Judge: No alleageance founden upon the party ſlain or mutilate, their being at the Horne for any Civill cauſe, ſhall either ſtay proceſſe, or be ane defence to delay proceſſe, or procure impunitie to any of the offenders guiltie of the crimes foreſaids. And this Act to have force, effect and execution, for all ſic crimes above-ſpecified, as ſhall be hereafter committed allanerly.

Ane Act againſt Raviſhers of Women.

CHAP. IIII.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Statutes and ordeins, that if any being airt or part of Raviſhing of Women, be purſued for that haynous offence, and defend themſelves by the ſubſequent conſent of the Woman raviſhed, or by her declaration that ſhe went with them of her awne free-will and conſent (albeit in that caſe the womans declaration of her conſent may exeeme them from capitall puniſhment,) That if the womans parents or neareſt kinſ-folk, or his Majeſties Advocat be able to verifie by determination of the Aſſiſe, that the fact was at firſt violently and forceably done againſt the parties will, and without their conſent: The ſubſequent conſent or declaration of the partie, ſhall not exeeme the offenders from his Majeſties arbitrall puniſhment of warding their perſons, confiſcation of their goods, or impoſing upon them pecuniall penalties at his Majeſties pleaſure.

Ane Act anent more timeous teinding, for the eaſe of the labourers of the ground.

CHAP. V.

IT is Statute and ordeined by our Soveraigne Lord and Eſtates in Parliament: That in time-coming in all teinding of Cornes, that the ſame be teinded at three ſeveral times every year, if the awners of the Corns ſhall think it expedient: To wit, the croft in-field Corne at ane time, the Beer at ane other time, and the out-field Corn at the third time.

And Declares that eight dayes after the compleit ſhearing of ilk ſort of Cornes being out-run, that it ſhal be leſome to the awners at the ſaids eight dayes end, to make requiſition upon other eight dayes to make them thankfull teinding; and if the awners get not thankfull teinding at the expyring of the ſaids laſt eight dayes: The ſaids Eſtates declares, that it ſhall be lawfull to the awners of the ſaids Cornes to teind and ſtack the ſamine themſelves, conforme to the Act of Parliament made of before anent the teinding of Cornes in all points, and ſhall incurre na danger there-through.

Ane

Ane Act for diſcharge of all purſute againſt any within the bounds of the late Borders for cauſes preceding his Majeſties going to England, *With exception not the leſſe of all decreets already recovered: and with reſervation of the criminall purſute at the inſtance of his Majeſtics Officiars.*

CHAP. VI.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament having due conſideration that through the occaſion of unquietnes of the Borders of this Realme, and of the deadly feads thereof, there fell out divers blood-ſheds, ſlaughters, mutilations, fire-raiſings, ſtowths, and others crimes indicting death: As alſo ſundry ſpuilyies, hearſhips, depredations, and reiffs of others goods and geare within the ſaids Borders. And underſtanding that through his Highnes happy preferment to the Crowne of *England*, the ſaids Borders of both the Realmes are become peaceable and civill, albeit that the inhabitants thereof are not able to ſatisfie the by-gane damnages of parties.

Therefore our ſaid Soveraigne Lord, and Eſtates foreſaids, findes, declares, decernes, ſtatutes and ordeins, that all and ſundry inhabitants within the bounds of the ſaids Borders of *Scotland*, and ſpecially within the bounds of the Sheriffdome of Berwick, Roxburgh, Drumfreis, and Stuartrie of Annandaill, their heires, ſucceſſours, and executors, are and ſhalbe fred, exonered, and diſcharged by vertue of thir preſents, of all actions of ſpoliation and wrangous intromiſſion with whatſomever goods and geir, ſpoilied and intrometted with by them or their predeceſſours, before his Majeſties preferment to the ſaid Crowne of *England*. With ane expreſſe reſervation not the leſſe of all Decreits and Sentences already gotten and obteined by any perſon whatſomever before the date of thir preſents: Whilks are declared hereby to be no way comprehended within the compaſſe of this preſent Diſcharge.

And alſo his Majeſty and Eſtates foreſaids, Declares, ſtatutes, and ordeins, that the ſaids inhabitants of the ſaids Borders, and ſpecially within the Sheriffdomes and Stuardries *reſpectivè* above-written, are and ſhalbe free, fred and diſcharged by thir preſents, of all Criminall purſuits and actions, intended or to be intended or purſued againſt any of them, by any party or perſons whatſomever: (except allanerly by his Majeſties Advocat, Juſtices and Commiſſioners, depute and to be depute for that effect,) for whatſomever fire-raiſings, ſlaughters, mutilations, thefts, ſtouths, or others criminall actions whatſomever committed by them, importing or that may import the taking away of their lives, the ſamine being committed before his Highnes preferment to the ſaid Crown of *England* allanerly. But prejudice alwayes to his Highnes Advocat, Juſtices and Commiſſioners, to purſue the ſaids criminall actions as accords of the Law. And with expreſſe declaration that this preſent act ſhal no wayes be extended to any crimes, wrangs, facts and deeds, done ſince his Highnes preferment to the ſaid Crowne of *England*.

Ane Act allowing Horning upon ane ſimple charge of fifteen dayes to be direct upon Commiſſars decreets.

CHAP. VII.

OUR Soveraigne Lord, by advice of the three Eſtates of Parliament, Ordeins and Statutes, that the decreets and ſentences of all Commiſſars within this Kingdome, receive ſiclike execution by Horning as the decreets of Sheriffs, Admiralls, Stewarts, and Baillies of Burgh: And that the Lords of Seſſion upon the ſight of the Acts and Decreets of the ſaids Commiſſars or their precepts, lawfully execute by their Officiars, bearing the partie to have been charged upon fifteen dayes: Direct Letters of Horning upon the ſimple charge of fifteen dayes, as in the caſes aforeſaids, and conforme to the Act of Parliament made in their favours.

Ane

Ane Act anens repairing of Bishops Manses.

CHAP. VIII.

OUR Soveraigne Lord, with advice of the three Estates, Ordeins all Archbishops, Bishops, and others Ecclesiasticall persons, to build, repaire and maintaine their Houses and Manses in sic case as may serve for their dwelling, and the dwelling of their Successours; And if they or any of them suffer the saids Houses or Manses to ruine and decay in their default: The successour shall have action against their executors for the same. As als where the saids Houses are fallen in decay, and shall be built and repaired by any of the beneficed persons upon their awne expences, the next successour shall be obliged to give satisfaction therefore to the heirs or executors of the defunct, at the sight of two or three of the Bishops within the Province. Providing that the said satisfaction exceed not the summe of ane Thousand pounds if they be Prelats, and five hundred marks if they be other inferiour Ministers.

Ane Act pardoning the by-past escapes of some penall Statutes thercin mentioned.

CHAP. IX.

THE whilk day the Commission after-specified, signed by his Majesty, was presented before the Lords, of Articles of this present Parliament of the Estates of this present Kingdome, and was then heard, read, and allowed of by them, and the saids Commissioners were desired and required according to his Majesties gracious pleasure and will signified therein, to proceed in doing what unto them by the said Commission was directed; of the whilk Commission the tenour followes.

Our Soveraigne Lord, understanding that many Lawes and Acts of Parliament, wisely instituted for preventing and punishing abuses by pecuniall paines, have been sa lang neglected without any research, tryall or punishment of the contraveeners, or exacting of the fynes and penalties appointed for these transgressours, that the most part of the people were led by erroneous opinion, to think that the negligence of his Majesties Officiars in discoverie and pursuit of the offenders against these Lawes, had proceeded of his Majesties allowance, that the saids Lawes and penalties therein conteined should go in desuetude, and no way be put in execution, whereby the abuses has so lang toleration, and the people so constant persyasion that they wald not be pursued nor troubled for the same, that the number of the guiltie is become so great, and the penalties of their contravention so many, that the rigorous exaction of the same might turn to the overthraw of a multitude of his Majesties subjects.

For remeid whereof, his Majesty with advice and content of the Estates of Parliament, gives and grants full power and Commission, expresse command, bidding and charge to *George* Arch-bishop of Saint-Andrewes, *John* Arch-bishop of Glasgow, *Alexander* Bishop of Dunkeld, *John* Earle of Marre, *Patrick* Earle of Kingorne, *David* Lord Scoone, Sir *David Carnegie* of Kinnaird Knight, *John Scrymgeour* of Dudop Constable of Dundee, Sir *Gideon Murray* of Elibank Knight, *James Nisbet*, Maister *Alexandir Wedderburne*, *Alexander Rutherfurd* Provest of Aberdein, Sir *Thomas Hamilton* Secretar to our Soveraigne Lord, Sir *William Oliphant* his Highnes Advocat, or any eight of them, to conveen whatsomever dayes and places needfull and convenient, by appointment of the said *George* Arch-bishop of Saint-Andrewes.

There to try and consider which of the saids Penall Lawes, and Acts of Parliament have heretofore been left in sic desuetude, without any controlment or pursuit, as might have induced the subjects to expect impunitie of contraveining the same: As also which of the Acts and Statutes foresaids, merits pardon for by-gane contravention, and which of them are fit to be authorised in time comming, after the said Publication, shall be severely punished without any farther over-sight or favour. And whatever the saids Com-

miſſioners, or any eight of them ſhall determine, conclude and ſet down in form of Act, ſubſcryved with their hands, ſhall have the forme, ſtrength, force and effect of ane ſure, perfect and abſolute Pardon and Remiſſion to all whom it may concerne, for by-paſt tranſgreſſion of the foreſaids Lawes, als valiably in all reſpects, as if every ane of them had obteined a lawfull, formall, and particular remiſſion, orderly exped under his Majeſties hand and ſeals, with conſent of the ordinar Officiars, and with all neceſſar ſubſtance and formalitie requiſite in the like caſes. With certification to all thoſe who ſhall tranſgreſſe the Lawes and Acts of Parliament hereafter to be publiſhed and ordeined to have force and execution in time comming, ſhall be purſued and puniſhed therefore with all extremitie. Ordeing alſo this Commiſſion with the Acts to be made by vertue thereof to be inſert and regiſtrat in the bookes of Parliament, and have the force and execution of ane Act of the ſame. According whereunto the afore-named Commiſſioners have had ſundry meetings, and taking hold alſwell of the neceſſitie of the puniſhment of ſic as have contraveened the Law, as of his Majeſties moſt gracious inclination to mercie and compaſſion, have concluded, decreed and determined, as after followeth.

In the firſt, the ſaids Commiſsioners having conſideration of the Act and Statute of Parliament made in the moneth of December foureſcore ſeventeen yeares, whereby all Lieges were inhibite to take any farther annuall, intereſt, or profit, than according to the rate and proportion of Ten for ilk hundreth in the yeare: Determines and ordeins, that the ſame in all time hereafter ſhall ſtand in full force, ſtrength and effect, and that the contraveiners and breakers of the ſame, ſhall be with all rigour and extremitie puniſhed, according to the appointment of the foreſaid Act of Parliament in all points. And as for ſic as are come within the compaſſe of the breaking and violating of the ſaid Act in time paſt ſince the making thereof: It is declared, that if ſic perſon as in time paſt ſince the date thereof hath exceeded the proportion of twelve for ilk hundreth, by taking greater profit or annuall for their Money lent out, ſhall be in like ſort without any mitigation, ſeverely puniſhed, conforme to the tenour of the ſaid Act of Parliament. And in like ſort it is declared, that all ſick perſons who ſince the terme of Martimas 1611. yeares, (at whilk time by his Majeſties direction and appointment, the offenders in that caſe, and violators of the foreſaid Act of Parliament were purſued) have given out their Money, and taken more profite and annuall then Ten for ilk hundreth, ſhall in like ſort be puniſhed as breakers and contraveiners of the foreſaid Act. But as for ſic perſons who ſince the date of the foreſaid Act, and before the ſaid terme of Martimas 1611. yeares, have not exceeded the proportion of Twelve for ilk hundreth. His Majeſties aforeſaids Commiſsioners, upon the knawledge of his Majeſties pleaſure therein, whoſe ſuperabounding love and mercie to his ſubjects was never wanting, and the ſecuritie of the offenders in this caſe, who finding no proſecution of any puniſhment upon the breakers of the ſtatute for ſic a continuance of time, did thereupon preſume to themſelves impunitie, being ſome argument of his Majeſties compaſsion towards them. It is therefore by the ſaids Commiſsioners decreed and determined, that all and every perſon who hath come within the compaſſe of violating of the ſaid Act, and that fra the date thereof, to the ſaid terme of Martimas 1611. yeares, did never exceed nor tranſcend in taking of profit or annuall for Money lent out by them, the proportion of twelve for ilk hundreth, ſhall be freely diſcharged, exonered, and pardoned of all paine, unlaw, and puniſhment, which the ſaid Act of Parliament doth appoint to be inflicted upon the contraveiners and breakers of the ſame. But it is no way hereby meaned, that this ſhall be a liberation to theſe who have in any ſort ſince the date of the Act of Parliament, exceeded the proportion of twelve, or that have taken more then ten ſince the ſaid terme of Martimas 1611. yeares: But the offenders in any of theſe caſes to be puniſhed as the Law hath appointed.

And ſiclike the ſaids Commiſsioners upon the reaſons and conſiderations before rehearſed, have diſcharged ſimpliciter the whole Subjects and Lieges of this Realme, of all ſic by-gane penalties, unlawes, and puniſhments, which they or any of them have incurred through the breaking and violating of any of the Acts and Statutes of Parliament hereafter

after expreſſed in times by-paſt allanerly, and no otherwayes. They are to ſay,

The Acts of Parliament made anent apparell.

The Acts of Parliament made anent Taverners.

The Acts of Parliament made anent tranſporting of gold and ſilver.

The Acts of Parliament made anent Malt-men.

The Acts of Parliament made anent whitſilling of gold and ſilver, and taking therefore above the Kings price.

The Acts of Parliament made anent eating of fleſh in Lent, and forbidden dayes.

The Acts of Parliament made anent the uſing of Confections beyond ſea.

The Acts of Parliament made anent the tranſporting of forbidden goods.

The Acts of Parliament made anent the tranſporting of Skinnes.

And the Acts of Parliament made anent the packing and tranſporting of Herring before Michaelmas.

And ordeins the ſame whole Acts of Parliament, and every ane of them, to ſtand in their awn ſtrength, force, and effect in all time coming, after the forme and tenour thereof, and ordeins the ſame to be put to due execution, and the tranſgreſſours thereof to be unlawed and puniſhed, conforme to the unlawes and puniſhments mentioned therein.

Ratification to the Queenes Majeſtie of her inſeſtment of Dumfermling.

CHAP. X.

OUR Soveraigne Lord and Eſtates of this preſent Parliament, Ratifies and approves, and for his Majeſtie and his Succeſſours perpetually confirmes, the Inſeſtment made and granted by his Majeſty to his Highnes deareſt Spouſe *ANNE* by the grace of God now Queen of *Great Britaine*, *France*, and *Ireland*: and to the Heires lawfully gotten, or to be gotten betwixt his Majeſtie and his Highnes deareſt Spouſe foreſaid: Whilks failyeing (as God forbid) to his Highnes Heires and Succeſſours whatſomever to the Crown of the Kingdome of *Scotland*, of all and whole the Monaſterie and Abbacie of Dumfermling, lyand on both ſides of the water of Forth, containing all and ſundry the Lands, Lordſhips, Baronies, Mylnes, Woods, Fithings, Manſions, Manor-places, Kirks, Teinds, Kirk-lands, Tenents, Tenendries, ſervice of free Tenents, Yairds, Orchards, Few-mailles, Fermes, Kennes, Cuſtomes, Annual-rents, and others particularly and generally conteined in the ſaid Inſeſtment, proceeding upon the Reſignation of *Henry Pitcarne* of that ilk, as Commendator of the ſaid Abbacie of Dumfermling for the time, with conſent of the Convent thereof, in manner and to the effect mentioned in the ſame Inſeſtment, whilks are thereby united, erected and incorporate in ane whole and free temporall Lordſhip, to be called in time coming, The Lordſhip of Dumfermling. To be halden of our Soveraigne Lord and his Succeſſours, in free Blench, free-heritage, and free-Lordſhip for ever, for the yearly payment of ex ſhillings eight pennies money of this Realme of *Scotland* yearly at the feaſt of Whitſonday, in name of Blench-ferme if it beis asked allanerly, like as at more length is contained in the ſaid Inſeſtment under his Highnes great Seal, of the date at *Linlithgow* the ſeventh day of March 1593. yeares, and of his Highnes Reigne the 27. yeare. With the precept and inſtrument of Seaſin following there-upon, together with and ſundry Inſeſtments either paſt by Reſignations or Confirmations, Precepts upon Retours, or by Precepts of *Clare conſtat*, gifts of Offices, tacks of Teinds of Lands, or others Teinds whatſomever diſpoſitions by forme of Indenture, Contract, or aſſignation of any yearly duties, rents or commodities pertaining and belanging to the ſaid Lordſhip of Dumfermling and Patrimonie thereof, of whatſomever date or dates, tenour or contents the ſamine be of, either already made, given, and granted, or that hereafter ſhall happen to be made, given and granted to whatſomever perſon or perſons, their heires and aſſignayes by our Soveraigne Lady as Lady of Dumfermling, with conſent, aſſent and authoritie of our ſaid Soveraigne Lord, her Majeſties deareſt Bed-fellow, for his Highnes entreſſe, and with advice, conſent and aſſent of *Alexander* Earle of Dumfermling Chancellour,

Walter Lord of Blentyre, umwhyle Maſter *John Lindeſay* of Balcarras, umwhyle Maſter *James Elphingſtoun* of Innernochtie, Sir *Thomas Hamilton* of Byres Knight Secretar, umwhyle *Alexander Hay* of Eaſter Kennet Clerk of Regiſter for the time, and Maſter *Peter Young* of Seatoun Elymoſinar to his Majeſty, or any foure of them her Majeſties Counſellours, nominate by our ſaid Soveraigne Lord, with advice of the Eſtates of his Highnes Parliament, halden at *Edinburgh* in the moneth of July 1593. yeares. Or with conſent of ſic other perſon or perſons, nominate and placed as Counſellours to her Majeſty, ſince the decеaſe of any of the perſons particularly above-named, or with conſent of any others her Majeſties Counſellours who ſhall happen at any time hereafter to be nominate in place of the perſons above-named, either already deceaſed, or that hereafter ſhall happen to deceaſe, in manner and forme as is preſcryved in the ſaid act of Parliament, made in the ſaid moneth of July 1593. yeares: In all and ſundry points, paſſages, heads, articles, clauſes, circumſtances and conditions whatſomever therein contained, after the formes and tenours thereof reſpective in all points. And our ſaid Soveraigne Lord and Eſtates foreſaids, wills and grants, declares, decerns and ordeins, that this preſent Confirmation is and ſhall be als valiable, effectuall and ſufficient in all reſpects, as if the foreſaids Infeftments, Charters, Precepts and Inſtruments of Seaſine granted to our ſaid Soveraigne Lady of the ſaid whole Lordſhip of Dumfermling, together with the other Infeftments, Precepts, gifts of Offices Tacks, Indentures, Contracts, Aſſignations, and others above-written, either already made, given and granted by her Majeſtie, with conſent, aſſent, authoritie and advice foreſaid, to any perſon or perſons, conteining diſpoſition, tack, gift, or other right of the ſaid Lordſhip and Patrimonie of Dumfermling, or any part of the ſamine were at length word by word ingroſſed heirintill.

Anc Act declaring that all Ratifications paſt in this Parliament are no other-wayes exped, but Salvo jure cujuſlibet.

CHAP. XI.

FOrſamuikle as in this preſent Seſſion of Parliament, there are many Ratifications paſt, wherein divers and new clauſes are inſert, whilks may be prejudiciall to particular parties Rights, and derogative to many and ſundry Laws, lawfully made and eſtabliſhed of before: albeit the meaning of the Eſtates be at this time as it was ever in all preceding Parliaments, that by na act of Ratification any other party ſhould be hurt and prejudged.

For remeed wherof, It is ſtatute and ordeined, that no Ratification paſt in this preſent Seſſion of Parliament, ſhould be prejudiciall to any private parties Right, but that the ſaids Ratifications be alwayes underſtood, whether they be generall or ſpeciall, to be *Salvo jure cujuſlibet.*

The

The Minute of the particulars Acts unprinted, which were exped and past in the aforesaid Parliament.

1 *Act concerning the voluntar offer of ane Taxation made by the Estates of Parliament to his Majestie.*

2 *Act anent the forme and order of the up-listing thereof.*

3 *Ratification of the contract betwixt his Majesty, and Sir* John Arnot, *anent* Orkney.

4 *Annexation of the Lands of* Orkney *to the Crown.*

5 *Commission for dealing betwixt his Majesty and the Bishop of* Orkney, *for the Bishops lands in* Orkney.

6 *Ratification of* John Auchmouties *renunciation of his right of the castel of* S. Andrews.

7 *Ratification of the Bishoprick of* Galloway *in favours of Master* William Cowper, *with some reservations in favours of some particular persons fra the same. Act.*

8 *Ratification in favours of* Saint-Leonards *Colledge of the lands belanging to the patrimony thereof.*

9 *Dissolution of the Arch-deanrie of* S. Andrewes, *and annexation of the same to the Bishoprick thereof.*

10 *Ratification of the contract betwixt the Archbishop of* S. Andrewes, *and the Citie of* S. Andrewes, *with a reservation in favours of the Lord* Lindesay.

11 *Ratification to the Duke of* Lennox, *of the Dukedome of* Lennox, *and Regalitie thereof.*

12 *Ratification to the Duke of* Lennox *of the office of Admiralitie, and priviledges of the same.*

13 *Ratification to the Duke of* Lennox *of his pension forth of the propertie.*

14 *Exoneration to the Earle of* Argyle *of his Commission to* Ilay.

15 *Ratification of the patronage of the Kirk of* Kinghorne, *to the Earle of* Kinghorne.

16 *Act for changing the market day of* Glammes.

17 *Ratification of the Lord* Fenton *his infeftment of the Lordship of* Dirletoun.

18 *Act for translating of the Kirk of* Gullane *to* Dirletoun.

19 *Ratification in favour of the Lord* Lindesay, *anent his infeftment of the lands of* Carny, *and others.*

20 *Ratification to the Lord* Hay *of* Sala *of his erection of* Beaulie.

21 *Ratification to the Lord* Scoone, *of his infeftment of* Scoone: *and of the said Lord* Scoone, *and Sir* Mungo Murray *their pensions forth of his Majesties rents.*

22 *Ratification to the Lord* Keith *of his infeftment of the Lordship of* Dunnoter *and* Innereugie.

23 *Ratification to the Lord of* Bukcleuch *of his infeftment of* Hails *and* Branxholme.

24 *Ratification to the Master of* Tullibardin *of the lands of the Earledome of* Athole.

25 *Ratification in favours of the Lord of* Gerleis, *of his infeftment of* Gerleis, *and patronage of the Kirk of* Pennynhame.

26 *Ratification to the Lord* Buttle *of his erection of* Kilwinning.

27 *Ratification to Sir* Thomas Hamiltoun *of* Byres *Knight, Secretary, of his infeftment of* Byres.

28 *Ratification in favours of Master* John Preston *President, of his pension of* 1000.

29 *Ratification in favours of Sir* Richard Cokburne *of* Clerkingtoun *Lord Privie Seal, of his infeftment of* Clerkingtoun.

30 *Ratification to Sir* William Oliphant *of* Newtoun *Advocate to his Highnes, of the gift of the said office, and of his pension.*

31 *Ratification to Sir* Gideon Murray *of* Elibank *Knight, of his pension.*

32 *Ratification to* Patrick Douglas *of his infeftment of the lands of* Kilspindie *and* Aberlady, *with the tinds of the same.*

33 *Ratifi-*

33 *Ratification in favours of* John Murray *of his infeftment of the lands of* Dundrennan *and* Lochmaben.
34 *Ratification to the Laird of* Panmure *of his infeftment of the lands of* Panmure, *and of the Band given by the Marques of* Hamilton *of his teinds.*
35 *Ratification to Sir* George Hay *of his gift of the priviledge of making of iron and glasse-works, with reservation of* Archibald Primrose *of his particular gift of ane part of the same.*
36 *Ratification to Sir* George Hay *of infeftment of the lands of* Bincapell.
37 *Ratification to the Officiars of the Coyning-house of their privileges.*
38 *Ratification to Sir* James Sempill *of his infeftment of the lands of* Stuarton.
39 *Act making the town of* Monimusk *to be the head Burgh of that part of the Royalitie of the Baronies of* Keig *and* Monimusk.
40 *Ratification to the Laird of* Balmuto *of his infeftment of the lands of* Balmuto, *and patronage of the Kirk of* Auchtertoule.
41 *Ratification to the Laird of* Dundas *of the patronage of the Kirk of* Levingston.
42 *Ratification to Master* Thomas Hope *of his infeftment of the lands of* Edmilton.
43 *Ratification to Sir* James Dundas *of a buriall place in the Revestrie of the Kirk of* Borthuik.
44 *Ratification to* Henry Wardlaw *of the heritable Chamberlenrie of* Dumfer.
45 *Ratification to the Laird of* Lie *of his infeftment of the Baronie of* Lie.
46 *Ratification in favours of* William Nisbet *of his infeftment of the* Deane *and pultrie land.*
47 *Ratification to* Alexander Moncreif *of his infeftment of the lands of* Fawside.
48 *Act in favours of the heires of umwhile* William Nisbet *of* Newtoun-leyes *against the executors of the Laird of* Restalrig.
49 *Ratification in favours of the Laird of* Spot *of his infeftment of* Spot *and Chamberlenrie of* Dumbar.
50 *Act anent the Kirk of* Creling, *declaring the same to be ane Paroch Kirk.*
51 *Generall ratification of the Burrowes Liberties.*
52 *Ratification in favours of the town of* Glasgow *of their infeftment.*
53 *Ratification in favours of the town of* Dumbartan *of their infeftment.*
54 *Ratification in favours of the Burgh of* Tayne *of their infeftment.*
55 *Ratification in favours of Master* Josua Durie *of his pension.*
56 *Ratification to the Laird of* Auldbar *of his infeftment of the patronage of the Kirk of* Roscolie.
57 *Act anent the common Kirks of* Caithnes.
58 *The supplications of the Fewers of* Selkirk *and Sheriff of* Roxburgh, *referred to the Lords of Session to grant Commission conforme to the desire thereof.*
59 *Commission to the next Parliament anent prescription of heritable Rights, and als anent Procuratories and instruments of resignation.*
60 *Declaration of the Estates that sic Commissioners for the Kings duelties of Erections that are deceased, or shall happen to decease, shall be supplied by his Majesties nomination hereafter of others persons of that same rank and estate.*
61 *Recommendation from the Estates to his Majesty of umwhile Master* Thomas Craig *his Works.*
62 *Protestation made by the Earle of* Angus.
63 *Protestation made by the Marques of* Hamilton *to the contrare.*
64 *Protestation made by* James Stewart *for the Earle* Marshall *against the Constable.*
65 *Protestation made by the Earle of* Wintoun *for the Earle of* Erroll *Constable.*
66 *Protestation made by the Lord* Torphichen *anent the taxation and liberty therefra.*
67 *Protestation made by Sir* James Dundas *to the same effect.*
68 *Protestation made by the town of* Renfrew *against* Glasgow *and* Dumbartan.
69 *Protestation made by the Burgh of* Innernes *against the Burgh of* Tayne.

FINIS.

THE

TVVENTY TVVO PARLIAMENT,

Of our moſt high and dread Soveraigne

JAMES

By the grace of God, King of SCOTLAND, ENGLAND, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Holden by his Majeſty at *Edinburgh* the 28. day of Iune 1617.

With advice of the Eſtates of this Realme.

ACT I.

Anent the election of Arch-biſhops and Biſhops.

OUr Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, for good and ſolid order to be keeped in all time to come, For election of Arch-biſhops and Biſhops, Statutes and Ordeins, that all who ſhall be hereafter promoved to any Arch-biſhoprick or Biſhoprick within this Realme, ſhall be elected and admitted according to the forme and manner under-mentioned, and no otherwayes. That is to ſay, When it ſhall fall any of the Sees to be made void: His Majeſties pleaſure is to grant licence to the Dean & Chapter of the Cathedrall Kirk of the See, to convene themſelves for electing of ane other Arch-biſhop or Biſhop in place of the former Incumbent: And the ſaid Licence being exped, ane Edict ſhall be affixed upon the moſt patent doore of the Cathedrall Kirk, requiring and charging the Deane and Chapter of the ſaid Kirk, to convene themſelves for chooſing of ane Biſhop to the ſame, who ſhall be devote to GOD,

and to his Highnes and Realme profitable and faithfull, Who being conveined, the Dean of the ſaid Chapter, with ſo many of them as ſhall happen to be aſſembled, ſhall proceed and chooſe the perſon whom his Majeſty pleaſed to nominate and recommend to their election, He alwayes being ane actuall Miniſter of the Kirk, and ſhall elect none other (than ane actuall Miniſter) to be ſo nominate and recommended by his Majeſty, as ſaid is. After the which election, teſtified under their ſeales and ſubſcriptions, His Majeſties pleaſure is to give his Royall aſſent thereto: And the ſame aſſent being granted under his Majeſties great Seal, ſhall be to the perſon elected, ane ſufficient right for injoying the ſpiritualitie of the Benefice whereunto he is elected during his life-time. Upon the which aſſent, and his Highnes Mandate to be directed to ane competent number of Biſhops within the Province where the Benefice lyes, The perſon elected ſhall be Conſecrat and received in his function by the rites and order acculſtomed. And the ſaid Conſecration being made, his Majeſties pleaſure is to diſpone to the perſon elected, the Temporalitie of the ſaid Benefice, with all Priviledges, Honours and Dignities belonging thereto. And the ſame grant being paſt under his Majeſties great Seal, Then ſhall the perſon admitted do homage, and ſweare obedience to our Soveraigne Lord, according to the forme preſcribed. Neither ſhall it be lawfull to the perſon admitted, to intromet with any of the fruits and rents of the ſaid Benefice, untill he have performed the ſaid homage, and given the oath of alleageance and fidelitie to his Majeſty, or his Highnes Commiſſioners to be appointed for that effect. And for the better obſerving of the ſaid order in all time hereafter, our Soveraigne Lord, and three Eſtates, inhibites and diſcharges the Lords of Councell and Seſſion, to authorize by their decreet and ſentence, the proviſion of any Biſhop to be admitted hereafter, except that it be teſtified that he is received and entred according to the ſaid order in all points.

ACT II.

Anent the reſtitution of Chapters.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of this preſent Parliament, conſidering how neceſſar it is that the Dean, & Members of Chapter of every Cathedral Kirk, be at all occaſions ready to convene themſelves for the election of Arch-Biſhops, and Biſhops, to their ſeverall Sees, and for expeding of particular rights made to the Lieges, whereunto their conſent by the Lawes of the Realme is required, and that for ſupporting of the charges of their ſervice, and inabling them the better to attend at ſic occaſions; It is moſt needfull they be reſtored to their Manſes, Gleibs, Rents and Livings belanging unto them of old:

Have ſtatute and ordeined, that all the Deanes, and others Members of the Chapters of the Cathedrall Kirks within this Kingdome, ſhal be reſtored to their Manſes, Gleibs, Rents, and other patrimonie belanging to them.

And to that effect his Majeſty, with advice of the ſaids Eſtates, diſſolves fra the Crown and patrimonie thereof, the foreſaids Manſes, Gleibs, Rents and Duties formerly annexed: to the effect the ſame may hereafter be injoyed, and peaceably poſſeſſed by the Miniſters that are, and hereafter ſhall be provided thereto. Without prejudice alwayes of the Fewes, Tacks, Penſions, and others Rights lawfully made of whatſomever Manſes, Gleibs, Lands and Teynds of any part of the ſaids Chapter-Kirks, to the parties having right to the ſame. And ſiclike, but prejudice to Laick Patrons, of their patronages granted to them by the Kings Majeſty, with conſent of the Titulars for the time, albeit the ſame be not ratified in Parliament, which ſhall no wayes bee prejudged by this preſent Act, and with expreſſe reſervation of the Rights of the Priorie of *S. Andrewes*, now erected in a Temporall Lordſhip in favours of *Lodowick* Duke of *Lennox* and his heires, which ſhall remaine in the awne ſtrength and integritie, notwithſtanding of the Act of Reſtitution above-written, and any thing therein comprehended.

And

And als with reſervation of the Houſe and place of *Hamiltoun*, Biggings and Orchards, Yards, and whole pertinents of the ſame, in ſo far as the ſame or any part thereof perteined of before to the Deanrie of *Glaſgow*, which his Majeſty and Eſtates reſerves forth of this preſent Act, to his truſtie Couſin *James* Marques of *Hamiltoun*, and his ſucceſſours, to be halden of his Majeſty and his Highnes Succeſſours, as their immediate ſuperiours thereof for ever. And without prejudice to the Burgh of *Edinburgh*, of whatſomever rents, profits, tenements, annualrents, teind-ſhaves, and others commodities given, granted and diſponed to them for entertainment of their Hoſpitals, Colledge and Miniſterie; And ſiclike but prejudice of whatſomever teinds, few-maills or annualrents which perteined of auld to the ſaids Chapters in common, or to any Prebendar in particular, diſponed by his Majeſty to any Colledges within the Univerſitie of S. *Andrewes*, Maſters or Burſers thereof, which his Majeſty with advice of the Eſtates, declares ſhall not be prejudged by this preſent Act. And als according to the reſtrictions, exceptions and limitations conceived in favours of Fewars, Tackſ-men, and others havand right particularly ſet down and expreſſed in the ſecond Act of his Majeſties eighteenth Parliament, concerning the reſtitution of the Eſtate of Biſhops. Which reſtrictions, exceptions and limitations, are halden as repeated and expreſt in this preſent Act. And to the effect that all ſic perſons who are and have been Tenents and Vaſſals to Deanes and others Members of Cathedrall Kirks may be in certaintie know, and by whom they ſhould be entred and received in the lands and others halden by them of the ſaids Deane and Members, or any of them.

Therefore it is ſtatute and ordeined by our Soveraigne Lord, and Eſtates, That when any ſic occaſion ſhall offer of receiving or entring of Vaſſals, or of changing of Tenents who comes in the Vaſſals places, either by alienation of the Vaſſals, or compryſing from him, or by any other lawfull manner, the direct ſuperiour of whom the ſaid Vaſſall immediatly held, ſhall be aſtricted and halden to do the ſame, and to enter all ſic perſons by himſelf (they doing their duetie to their ſuperiours as apperteins.) In the which caſe our Soveraigne Lord and Eſtates, declares the conſent of the Prelate, or remanent Members of his Chapter, no wayes to be neceſſar to the ſaid entry or change of Tenents. And becauſe the Priorie of S. *Andrewes* is now erected in ane Temporall Living and Lordſhip, ths Prior whereof in former times was alwayes Deane of the Chapter of S. *Andrewes*, the Channons thereof were the Members of the ſaid Chapter which are now all aboliſhed, to the effect there be not wanting ane Chapter to the ſaid Kirk.

Our Soveraigne Lord, with advice foreſaid, declares that the Miniſters ſerving the cure at the Kirks under-written, preſent and to come, ſhall be eſteemed the Chapter thereof. They are to ſay, The Prior of *Portmook*, who is principall of S. *Leonards* Colledge and Deane of the Chapter. The Arch-dean of S. *Andrewes*. The Vicar of S. *Andrewes*. The Vicar of *Leuchers*. The Vicar *Cowper*. The Proveſt of *Kirkhill*. The Parſon of *Dyſert*. The Vicar of *Forgond*. The Vicar of *Inſhture*. The Vicar of *Kinkaird*. The Vicar of *Fowles*. The Vicar of *Egliſhgreig*. The Vicar of *Roſsie*. The Vicar of *Linlithgo*. The Vicar of *Scoone*. The Vicar of *Fordun*. The Vicar of *Forgund* in Fyfe. The Deane of *Reſtalrig*. The Deane of *Dumbar*. The Vicar of *Kettill*. The Vicar of *Kinnowy*. The Vicar of *Merkinch*. The Vicar of *Falkland*, and the Vicar of *Abercrombie*; being all twenty foure perſons. Which perſons ſhall have the adminiſtration, doing and performing of the affairs belanging to the ſaid Biſhoprick, and for the weale of the ſaid Cathedrall Kirk, which were done of before by the Prior and his Chanons. And concerning the election of the Arch-biſhop of the ſaid See, whenſoever the ſame ſhall hereafter vaik.

Our Soveraigne Lord, with advice foreſaid, declares, ſtatutes and ordeines the ſaid Arch-biſhop to be elected by eight Biſhops of his Diocie. They are to ſay, The Biſhop of *Dunkeld*. The Biſhop of *Aberdene*. The Biſhop of *Brechin*. The Biſhop of *Dumblain*. The Biſhop of *Roſs*. The Biſhop of *Murray*. The Biſhop of *Orkney*, and the Biſhop of *Caithnes*. And by five Miniſters ſerving the Cure of the Kirks under-written, to wit, The Principall of S. *Leonards* Colledge. The Arch-deane of S. *Andrewis*, The

Vicar of S. *Andrewes*. The Vicar of *Luchars*, And the Vicar of *Cowper*. Which Biſhops and Miniſters, or the moſt part of them, ſhall have power in all time to come, to elect the Arch-biſhop when ever the See ſhall vaik, and ſhall remain hereafter the Chapter appointed by our Soveraign Lord, and Eſtates, for the election foreſaid. The Vicar generall for coveining of the which electors, our Soveraigne Lord and Eſtates declares to be now and in all time comming the Biſhop of *Dunkeld*, who ſhall happen be for the time. And ſiclike our Soveraigne Lord, with advice of his Eſtates, declares, ſtatutes and ordeins, that the Archbiſhop of *Glaſgow*, whenſoever that See ſhall vaik, ſhall be elected by three Biſhops of his Diocie, to wit, the Biſhop of *Galloway*, the Biſhop of *Argyle*, the Biſhop of the *Iles*, being for the time, and by his ordinar Chapter, or the moſt part of them, the Biſhop of *Galloway* being alwayes Conveiner of the ſaids electors to the ſaid election. Which perſons ſhall have power onely in the ſaid election, ſeeing it is the expreſſe will and ordinance of his Majeſty and Eſtates, that the auld and ordinar Chapter of *Glaſgow*, and the other Chapter above-written, appointed for the See of S. *Andrewes*, as ſaid is, ſhall have the only adminiſtration of theſe things, concerning the affairs tending to the weal of their Cathedrall Kirks, and belonging thereto, as the auld Chapter formerly had, and theſe others Chapters before-mentioned, appointed allanerly for election of the ſaids Arch-biſhops, ſhall no wayes be derogatory to the others ordinary Chapters eſtabliſhed for the handling of the affairs of their Sees in maner above-written.

ACT III.

Anent the Plantation of Kirks.

OUR Soveraigne Lord, conſidering that there be divers Kirks within this Kingdome not planted with Miniſters, where-through Ignorance and Atheiſme abounds amongſt the People; and that many of thoſe that are planted, have no ſufficient proviſion or maintenance appointed to them, whereby the Miniſtery are keeped in povertie and contempt, and cannot fruitfully travell in their charges. Conſidering alſo that nothing is more properly belonging to his Princely care, than to ſee to the good eſtate of the Kirks within his Dominions, out of that zeale which his Majeſty beares to the promoving of the Kingdome of Chriſt.

And for ane perfit remedie of thoſe evils, with advice and conſent of the Eſtates of Parliament, hes granted full power and commiſſion to the Lord Chancellour for the time, and to the reverend Fathers in GOD *John* Arch-biſhop of S. *Andrewes*, *James* Arch-biſhop of *Glaſgow*, *Alexander* Biſhop of *Dunkeld*, *Alexander* Biſhop of *Aberdene*, *Alexander* Biſhop of *Murray*, *Patrick* Biſhop of *Roſſe*, *Adam* Biſhop of *Dunblane*, and *William* Biſhop of *Galloway*: Eight perſons nominate for the Clergie and Prelats. And in caſe of the deceaſe of any of them, To *Andro* Biſhop of *Brechin*, *George* Biſhop of *Orknay*, *Andro* Biſhop of *Argyle*, and *John* Biſhop of *Cathnes*. Which foure perſons, his Majeſty and Eſtates hes nominate to ſupply and become in the place of any of the other eight foreſaids, if any ſhall happen to deceaſe before this Commiſſion be finiſhed. To wit, the firſt of the foure in the place of the firſt of the eight deceaſing, and ſo in order ſucceſſively as they are named. And to *John* Earl of *Mar* Lord Theſaurer, *James* Marques of *Hamilton*, *James* Earle of *Abercorne*, *William* Earle of *Tullibardin*, *Robert* Earle of *Roxburgh*, *John* Viſcount of *Lawderdale*, *Thomas* Lord of *Binning*, and *David* Lord of *Carnegie*, eight perſons nominate for the Nobilitie. And in caſe of any of their deceaſes, To *Alexander* Lord *Elphinſtoun*, nominate to become in the place of the firſt deceaſing, *Alexander* Earle of *Eglinton* in the ſecond, *John* Earle of *Perth* in the third, and *John* Lord of *Balmirrenoch* in the fourth. And to the Commiſſioners under-written nominate for the Barons: To wit, *William Douglas* of *Drumlangrig*, Sir *Walter Dundas* of that ilk, Sir *James Haliburton* of *Pitcur*, Sir *John Hamilton* of *Lettrik*, Sir *John Wais* of *Barnbarroch*, Sir *Andro Murrey* of *Balwaird*, Sir *Alexander Gordon* of *Cluny*, and to Sir *George Auchinlek* of *Balmanno*. And in caſe

of

of any of their deceaſes, to *Thomas Urquhard* Sheriff of *Cromartie*, Sir *Alexander Strachan* of *Thorntoun*, *Ioſias Steward* of *Boniton*, and Sir *Robert Steward* of *Schillinglaw*, perſons nominate to become in order as they are named in places of any of the eight deceaſing. And to *Iames Arnot* Burgeſſe of *Edinburgh*, Maſter *Alexander Wedderburne* Clerk of *Dundie*, Sir *Thomas Menzeis* Proveſt of *Aberdein*, *John Scherar* Burgeſſe of *Sterling*, *Andro Milne* Burgeſſe of *Linlithgo*, *John Osburne* Burgeſſe of *Air*, *Iohn Matheſon* Clerk of *Carel*, and Sir *George Bruce* of *Carnock* Knight, Burgeſſe of *Culros*, eight perſons nominate for the Burrowes. And in caſe of any of their deceaſes, to *Alexander Clerk* Merchant Burgeſſe of *Edinburgh*, Maſter *William Ferguſon* Burgeſſe of *Dundie*, *George Nicolſon* Burgeſſe of *Aberdein*, and *Iohn Williamſon* Clerk of *Sterling*: Perſons nominate to ſupply in order any of the other eight Commiſſioners foreſaids deceaſing. Which foreſeids Commiſſioners, or any five of ilk Eſtate nominate as ſaid is, conſenting and agreeing in ane voice, ſhall have power to convein, conſult, and to determine upon the matters, and in manner under-written. Providing alwayes, that there is and ſhall be neceſſarily requiſite to the validitie of ane Act, concluſion, ordinance and determination of the ſaids Commiſſioners, the conjunct aſſent of five of every ane of the ſaids foure Eſtates, all agreeing together in ane voice, without the which conſent of the ſaids five of ilk Eſtate ſo agreeing, the reſt of the ſaids Commiſſioners ſhall have no power to make any valide or effectuall concluſion by vertue of this preſent Commiſſion, but whatſoever ſhall be otherwayes done, is declared to be of no availe, force nor effect. That is to ſay,

Our Soveraigne Lord and Eſtates of Parliament by the tenour hereof, gives, grants, and commits full power and authoritie to the ſaids Commiſſioners to meet and convene in the Town of *Edinburgh*, at ſik time and times as they ſhall appoint and finde convenient, and there to call and ſummond before them, all Patrons, Tackſmen of teinds great and ſmall, and all others having right by whatſomever title to the Teinds within this Kingdome, as they ſhall think neceſſar and expedient to exhibite and produce before them their rights and titles, whereby they claime the ſaids teinds to be ſeene and conſidered by the ſaids Commiſſioners. With power to them out of the ſaids teinds of every Parochin, to appoint and aſſigne at their diſcretions, ane perpetuall locall ſtipend, to the Miniſters preſent and to come at all Kirks that ſhall be found by them either as yet not provided at all, with Miniſters and ſtipends, or where the proviſion is leſſe nor five hundreth marks of yearlie rent in money, or five Chalders victuall (by manſe and gleibe) or ſik proportion particularly of ſilver and victuall, as will effeir and extend to five hundreth Marks, or five Chalders victuall yearly, and which is the leaſt and meaneſt ſtipend and proviſion determinate, appointed, and declared by his Majeſty and Eſtates, to be given and aſſigned to any Miniſter for his locall ſtipend in time comming, where the fruits of the Benefice will extend to that quantitie in manner under-written, and that notwithſtanding of any righr or title pretended by the ſaid Takſmen, or others in whoſe favours Teinds have been erected. With ſpeciall power alſo to the ſaids Commiſſioners, to unite ſik Kirks, ane or moe as may conveniently be unite, Where the fruits of any one alone will not ſuffiſe to entertain ane Miniſter. In the which caſe of union of ſik Kirks, if it fal out that neceſſitie offer to unite Kirks belonging to preſentation of divers Patrons, the preſentation of the Miniſters ſhall be appointed by the ſaids Commiſſioners to pertain to the Patrons (*alternis vicibus*) to the which Commiſſioners, his Majeſtie and the Eſtates does recommend and refer to conſider and appoint farther ſik ſolide order as may be beſt taken, and ſtand with the leaſt prejudice of any of the Patrons, and as they ſhall be found to have more or leſſe intereſt in the Kirks to be ſo united. It is alwayes provided, that whereas there are divers Kirks whereof the fruits of any one will not extend to the quantity of five Chalders victuall, nor five hundreth marks of ſilver in yearly commoditie, and that the rents and whole patrimonie thereof are nowayes anſwerable to that proportion, and ſo is not ſufficient the alone for the full maintenance of ane Miniſter, and yet nevertheleſſe, for diſtance of place, or others lawfull cauſes, may be found incommodious to be united, whereby neceſsity will evince, that every Kirk in

that eſtate, ſhould be planted with their awn particular Miniſter to ſerve thereat, whoſe proviſion behooves neceſſarily to conſiſt of the fruits of the Benefice it ſelf, how meane ſoever the ſame be.

Therefore it is Declared, that it ſhall be ſufficient to the ſaids Commiſsioners in that caſe to aſsigne and appoint to the Miniſter to be planted at any ſik Kirks, the whole fruits perteining to the Patrimony thereof, by and attour his manſe and gleibe. Which fruits are to be injoyed by him and his ſucceſſours thereafter, as their perpetuall Locall ſtipend and proviſion. And to the end the ſaid Commiſſion may take the better effect, and for ane ſolide order anent the proviſion of the ſaids Kirks, with their certaine definite ſtipend, and that it may be clearly known what ſhall be the proportion and quantitie of any ſtipend which ſhall be hereafter appointed to every Miniſter, at any Kirk, either not provided at all, or not ſufficiently provided, as ſaid is.

Our Soveraigne Lord and Eſtates Declares, that the leaſt and meaneſt ſtipend which they have appointed to be hereafter provided by the ſaids Commiſſioners to any Miniſter, ſhall not be under and within the quantitie of five chalders victuall, or five hundreth marks of money, or proportionally part of victuall, and part thereof in money, according as the fruits and rents of the Kirk may yeeld and afford, and as the ſaids Commiſsioners ſhall think expedient, effeirand to the ſaids five chalders victuall, or five hundreth marks money, by and attour their manſe and gleibe, where the whole fruits of the Kirk will extend to the quantitie foreſaid, and that the greateſt and moſt ſtipend which the ſaids Commiſſioners ſhall have power to aſsigne for ſtipend to any Miniſter at any of the ſaids Kirks, either not planted or planted, and provided with ſtipends, within and under the ſaid five chalders victuall, or five hundreth marks of money, as ſaid is, ſhall not exceed the quantitie of Ten chalders victuall, or ane Thouſand marks of money, and proportionally part of money, and part of victuall, at the conſideration of the ſaids Commiſſioners, as they ſhall finde by examination of the rents of the Kirk moſt conveniently may be payed by and attour their manſe and gleibe. Swa the greateſt ſhall be ane Thouſand marks, or Ten chalders victuall with manſe and gleibe, and the leaſt five hundreth marks, or five chalders of victuall, with manſe and gleibe, except where the whole fruits of the Kirks will not extend to that quantitie, as ſaid is. And findes and declares, that all Kirks which are planted with Miniſters, whoſe ſtipends extends to five chalders victual, or 500. marks of ſilver, or part of both, effeirand to the whole, by their manſe and gleib, (the ſame being made ſure to them) are expreſly excepted out of this Commiſſion, and no wayes comes under the compaſſe thereof, neither ſhal the ſaids Commiſſioners have any power by vertue hereof to meddle with any Kirks or ſtipends which are in that caſe, ſeeing the ſaid Commiſſion is not extended to the ſame. It is alſo provided, that where any Kirks are already ſufficiently provided, albeit their proviſion does exceed the foreſaid quantity of ten chalders victuall, or ane thouſand marks of money. And als, where the fruits of any Benefice are in the poſſeſſion of the Miniſter, that the ſame ſhalbe continued in the eſtate wherein it is at the preſent, and not to be medled with by vertue of the ſaid Commiſsion. And becauſe reaſon and equity craves, that recompence ſhould be made unto the Takſmen, and others perſons whatſomever, who ſhall be by the ſentence of the ſaids Commiſsioners, hurt and prejudged of their preſent profit, which they may lawfully bruik by vertue of their titles and rights, eſtabliſhed in their perſons, and upon whom, by vertue of the ſaid ſentence, any burden of the ſuſtentation and proviſion of the ſaids Kirks and Miniſters is to be impoſed.

Therefore our ſaid Soveraign Lord and Eſtates of Parliament gives full power and commiſsion to the ſaids Commiſsioners, ſo to proceed in the determining of the ſaids recompences, That incaſe the Lord, or any other having right to erected Prelacies, who ſhall be cited before them, refuſe to take the burden of plantation of any Kirks belonging to the ſaids erected Prelacies, which are not planted, or to help ſic other Kirks of the ſame, as are not wel & ſufficiently provided, according to the tenour of the foreſaid Commiſsion, and that upon their refuſall (the ſaid refuſall being firſt found reaſonable by the ſaids Commiſsioners) the burden of the ſaid plantation, or farther proviſion, ſhall be laid

and

and impoſed by the ſaids Commiſsioners, in whole, or in part, either upon the principall Takſmen of any of the fruits of the ſaids Kirks. Or in caſe of the Takſmen refuſe, the burden be impoſed upon the Sub-takſmen thereof, the ſaids Commiſsioners ſhall have power to decerne, appoint, and ordein ſic particular recompence to be given to the ſaids Takſmen, or Sub-takſmen, by renewing of their taks or ſubtaks, after the expiring thereof, upon ſic conditions as the ſaids Commiſsioners ſhall finde reaſonable; reſpect being had to the qualitie and proportion of the burden to be impoſed upon them within the time of their taks and rights, farther then they are aſtricted by their ſaids rights, or by appointing ſik other reaſonable ſatiſfaction as they ſhal finde the ſaid burden and diſtreſſe, undergone by any of them, ſhall deſerve and require.

Likeas the ſaids Commiſsioners ſhall have ſiklike power to determine, decerne and appoint ſik particular ſatiſfaction and recompence to be given either to laick Patrons, or to the takſmen of the fruits of the Kirks belonging to the like Patronages and ſub-takſmen thereof, as they ſhall think may be anſwerable to the burdens to be impoſed upon either of them for the cauſe above-written proportionally. In the preſeryving of the which recompence, the ſaids Commiſſioners ſhall have ſpeciall reſpect, what conſideration they finde reaſonable to be given to the ſaids Patrons for their conſents to the taks, if any ſhall be appointed and decerned to be ſet and given to the ſaids takſmen for recompence foreſaid. And if any beneficed perſon upon juſt and reaſonable cauſes, refuſes to provide any Kirk belonging to their Benefice, according to the order hereby preſcrived, whereby the burden of plantation, or farther proviſion of the Kirk, muſt neceſſarily lye upon the takſmen or ſub-takſmen of the fruits therof. The ſaids commiſſioners in that caſe alſo ſhall decerne ſik recompence to be given to the ſaids takſmen and ſub-takſmen for their loſſe and prejudice ſuſtained, as the ſaids Commiſſioners ſhall finde the ſame ſhall merit, by renewing of taks to them upon ſik conditions as may requite their loſſe, or by finding out ſome other reaſonable meane which may repair the ſame. And our ſaid Soveraigne Lord, with advice and conſent of the ſaids Eſtates, Declares, Statutes and Ordeins, That all taks which ſhall be decerned by the ſaids Commiſſioners to be given in recompence to any perſon whatſomever for the cauſes above-written, and which ſhall be ſet for obedience, and conforme to the ſaid decreet and ſentence; whatſomever yeares, or long ſpace the ſaids taks ſhall comprehend, ſhall be good, lawfull, and ſufficient ſecurities to the perſons in whoſe favours the ſame are appointed to be given and conceived, neither ſhall the ſame be any wayes prejudged by the Act made in this preſent Parliament, by the which it is ſtatute that no Archbiſhop, Biſhop, or Prelate ſhould ſet in tak any part of their patrimonie for longer ſpace nor nineteen yeares, and that no inferiour beneficed perſon ſhall ſet in tak any part of their Benefice for longer ſpace nor their awne life-times, and five yeares thereafter, as the ſaid Statute praports, fra the which Statute, the ſaids taks ſo appointed to be ſet and given in recompence, are and ſhall be excepted and reſerved, and ſhall no wayes come under the compaſſe of the ſaid Act and Statute, nor in any thing therein conteined, but the ſame ſhall remain and abide valide and ſufficient rights for the whole ſpace and yeares appointed therein, according to the tenour thereof, notwithſtanding of the ſaid Act and Statute.

And becauſe it may fall forth, that in the recompence to be appointed by the Commiſſioners to the Patrons, Takſmen, and Subtakſmen for the foreſaid burden to be impoſed upon them, moe yeares may bee aſſigned for prorogation of their preſent taks, nor may lawfully or conveniently be ſet by the preſent beneficed perſons, to whom by Law the ſetting of taks of teinds belongs. For remeed thereof, our Soveraigne Lord, with advice and conſent of the ſaids Eſtates, Declares, Statutes and Ordeins, That it ſhall be lawfull to the Commiſſioners foreſaids, to appoint als many yeares after the expyring of the preſent taks to the takſmen of the ſaids Kirks and Teinds, or to the Patrons or ſub-takſmen *reſpectivè*, for bruiking of the ſaids teinds, for recompence of the ſaid burden, as they ſhall think reaſonable, which ſhall be als good, valide, and ſufficient Rights to the ſaids Patrons, takſmen and ſubtakſmen *reſpectivè*, and to their heires and aſſignayes, for bruiking, poſſeſsing, and diſponing upon the ſaids teinds, during the ſaids yeares of prorogation,

gation, as if good, lawfull and valide taks and rights of the ſaids teinds had been ſet and made to them by the Titulars of the benefices to whom the ſame belonged, with conſent of all parties having entreſſe. With expreſſe proviſion and declaration, that at the expyring of all the ſaids yeares, the right of the ſaids teinds, and power to ſet taks thereof, ſhall returne and appertain to the ſaids Titulars of the foreſaids Benefices, as they did before the making of this preſent Act.

And our ſaid Soveraigne Lord, with advice of the ſaids Eſtates, Declares and Ordeins this Commiſsion to laſt and endure to the feaſt and tearme of Lambes, in the year of God one thouſand ſix hundreth and eighteen yeares. After the which time the ſame ſhall ceaſe and expire. And Ordeins the decreet and ſentence of the ſaids Commiſsioners in all the particulars foreſaids, and every ane of them, to have the ſtrength, force and authoritie of ane decreet, ſentence and Act of Parliament. For obedience whereof the Lords of Seſsion ſhall direct and grant Letters in forme as effeirs, and according as ſhall be neceſſar. Which Commiſsion above-written, taking force and full effect in all the ſaids particulars therein conteined, as the ſame are ſet down and comprehended therein, by pronunciation of decreet and ſentence upon the ſame, conforme to the power therein comprehended, given to the ſaids Commiſsioners.

Our Soveraigne Lord, with the expreſſe conſent and aſſent of the Eſtates in that caſe, Findes and declares, that no perſon in whoſe favours the teinds of Kirks and Benefices are erected, nor no other whatſomever, bruiking teinds, by vertue of Rights lawfully made to them of the ſame, according to the Lawes of this Realme then ſtanding, ſhall be ever farther altered or quarrelled in any of their ſaid Rights, in any time to come, farther then ſhall be appointed by the ſaid decreet and ſentence to follow upon this preſent Commiſsion; but the ſaids rights and ſecurities in caſe foreſaid, ſhall remain in the awne ſtrength, force and effect, as good, lawfull, and ſufficient rights and ſecurities to them and every ane of them for their awne parts, for bruiking and injoying the ſaids teinds, conforme to the tenour of the ſaids rights, for now and ever.

ACT IIII.

Anent the ſetting of Taks by Prelats, and others beneficed perſons.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordeins, That no Archbiſhop, Biſhop, or other Prelat within this Realm, ſhall hereafter ſet in tak & aſſedation, any part of their Patrimonie, for longer ſpace then nineteen years. And that no inferiour beneficed perſon, ſhall ſet in tak any part of their benefices, for longer ſpace then their own life-times, and five yeares after their deceaſe, under the pain of deprivation of the perſons contraveiners from their offices and benefices, and to be repute from that time forth, infamous and incapable of any publick function in the Kirk. And for the better diſcovering of the taks that ſhall be ſet by inferior beneficed perſons, for longer ſpace then is above-written.

It is Ordeined, that all the taks that ſhall hereafter be ſet by any of them, for longer ſpace then is before mentioned, ſhall be Regiſtrat in ane Book, which the Clerk of Regiſter ſhall keep for that effect, within the ſpace of fourtie dayes after the ſetting of the ſame tak, otherwiſe the ſaid tak ſo ſet for longer ſpace, ſhall be null and of no effect to the takſmen thereof, by way exception or reply, without any other action, proceſſe, or declaratour of Law.

It is alwayes declared, that this Statute ſhal no wayes be extended to any taks or ſubtaks, or conditions for ſetting of taks or ſubtaks for longer ſpace nor is above-written. Whereas the ſame depends and are made or appointed to be made, conforme to the Commiſſion granted by our Soveraigne Lord, with advice of the Eſtates of Parliament for plantation of Kirks, in manner as is ſpecially ſet down in the ſaid Commiſſion.

ACT

ACT V.

Addition to the Act anent dilapidation of Benefices.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Ratifies and approves the Act of his Highnes Parliament halden at *Perth* the ninth day of July, the year of God 1606. yeares, Anent the dilapidation of the rents of Prelacies, With this addition, Whereby his Highnes and Eſtates foreſaids, Findes, decernes and declares, all taks or aſſedations to be made of any quotes of Teſtaments, or any other caſualtie perteining to the ſaids Prelats in time comming, to be null, and of no avail, force, nor effect, and that it ſhall not be lawfull to any Prelat within this Kingdome hereafter to diſpone, alienate or ſet any of his caſualties, in whole or part, longer nor during his awne life-time allanerly, but prejudice of the taks, if any be ſet before this Act, as accords of the Law, to the whilks thir preſents ſhall no wayes be extended.

ACT VI.

Anent furniſhing of neceſſars for miniſtration of the Sacraments.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Ordeines that all the Paroch Kirks within this Kingdom be provided of Baſins and Lavoirs for the miniſtration of the Sacrament of Baptiſme; and of Cups, Tables, and Table Cloathes, for the miniſtration of the holy Commmion; which ſhall be received to that uſe by the Miniſter of the Parochin, in ſic convenient place as he ſhall finde meet, for which he and his heires and executors ſhall be anſwerable to the Parochin, in caſe the ſame be loſt, or otherwayes uſed to any profane uſe. And ordeins the expences thereof to be made by the Parochiners, and the Miniſters of every Kirk to do their diligence for providing the ſame, by cauſing the Parochiners ſtent and taxe themſelves to the effect foreſaid, betwixt and the firſt of Februar next, under the pain of loſing ane years ſtipend. And for putting the ſaid Act in execution, Ordeins the Lords of his Majeſties Councell and Seſſion, to give forth their Letters for charging the Parochiners to conveine and taxe themſelves to the ſaid effect, and make payment of the money wherein they ſhall be ſtented, as the ſame ſhall be required.

ACT VII.

Anent unlawes of abſents from Parliament.

OUR Soveraigne Lord, and Eſtates of this preſent Parliament, hes ratified and approven, and by the tenour hereof Ratifies and approves the thirtie fourth Act of his Highnes 11. Parliament 1687. intitulat (the unlaw of abſents from Parliament) in the whole heads and clauſes thereof, after the forme and tenour of the ſame in all points; with this addition, that the unlaw of the Commiſſioners of Barons through their abſence from Parliament, ſhall be ane hundreth pounds money. And declares that no excuſe ſhall be received nor admitted hereafter for abſence from Parliament, except their Licence be granted by his Highnes under his note and ſuper-ſcription, if his Majeſty be preſent within the Realme for the time. And in his Highnes abſence, by his High Commiſſioner of Parliament: and in caſe of the ſaid Commiſſioners abſence; their Licence to be granted and ſubſcryved by the Lord Chancellour, and Lords of Secret Councell, to be produced judicially the firſt day of the ſenſing of ilk Parliament, to the Clerk of Regiſter and his Deputes. And farther declares, that in time coming it ſhall be lawfull to whatſomever Duke, Marques, Earle, Vicount, Lord, or Prelat within this Realme, being abſent from the Parliament, and lawfully excuſed, as ſaid is, to ſend ane ſufficient power ſubſcryved with their hands to any one of that eſtate, having place and vote in Parliament, who ſhall be admitted to reaſon and vote in Parliament, and whole dyets thereof for that perſon abſent, ſiclike and als freely in all reſpects, as if he had been preſent himſelf. And ordeins the ſaid former with this preſent at ilk Parliament, to be execute with all diligence. And the penalties therein mentioned to be up-lifted to our Soveraigne Lords uſe, by his Highnes Theſaurer.

ACT

ACT VIII.

Anent the Iuſtices for keeping of the Kings Majeſties Peace, and their Conſtables.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, having conſidered the Articles and Inſtructions given of before by his Majeſty to the Juſtices and Commiſſioners, appointed for keeping of his Majeſties Peace, and to their Conſtables which were preſented to his Highnes, and unto the ſaids Eſtates, by the ſaids Juſtices, and deſired to be authorized by decreet and ſentence of Parliament: Hes ratified and confirmed the ſame in manner as they are particularly here ſet down and expreſſed in every point and article thereof, of the which the tenours followes. That is to ſay,

The Commiſſioners and Juſtices of Peace at their firſt admitting upon the Bench, ſhall give the Oath following:

YOu ſhall ſwear, that you as one of the Commiſsioners and Iuſtice of Peace within the Shire of &c. according to your knowledge, wit and power, ſhall do equall right both to rich and poor, conform to the Lawes and Cuſtoms of the Land and Statutes thereof: And that you ſhall not be of counſell with any perſon in any quarrell or matter depending before you, and that you ſhall every quarter keep the Seſsions, or oftner as you ſhall be required, not having any juſt impediment to the contrary: and ſhall faithfully and truely diſcharge your dnetie, as ane Iuſtice of his Majeſties Peace, and ſhall leave nothing undone, that may tend to the preſervation of the ſame. So help you God.

II.

ANy one Juſtice ſhall have power upon complaint of any perſon, being threatned, and fearing to be wronged, to binde the party complained upon, under ſuch a pecuniall ſum, to keep the Peace, as he ſhall think fitting. As alſo to commit him, untill ſuretie be found by him, the ſaid complainer alwayes giving his oath before the Juſtice, that he hath juſt cauſe to dread his harm. And albeit no perſon complain, yet if the Juſtice be credibly informed, of appearance of trouble betwixt any parties, he ſhall binde them to the Peace in manner aforeſaid: except the parties declare upon their conſciences, that neither of them doth beare any grudge to other. And all ſuch bands ſhall be kept in record by him, and he ſhall make deliverie of the ſame to the Clerk of the Peace, at the next Seſsions, to be kept and regiſtrated by him.

III.

IF any perſon, being charged to make his appearance before a Juſtice of Peace, and ſhall refuſe or delay without cauſe: if the partie bee a landed Gentleman, whoſe rents exceed ten chalders of victuall, or a thouſand marks of ſilver; then the Juſtice (whoſe command is contemned) ſhall informe the ſame to ſome of the Lords of His Majeſties privie Counſell, to the effect the party of the quality foreſaid may bee called and fined for his diſobedience. And if the diſobeyer be of meaner degree, the Juſtice ſhall hereby have power to command the next conſtable: or in abſence of a conſtable, his owne ſervant, or any other perſon, having a warrand in writ, ſubſcrived by the ſaids Juſtice of Peace, with aſſiſtance of the countrey, to bring any ſuch partie before him.

IV.

IF either the Shireff or Bailie ſhall condemne any perſon in a bloodwite, or otherwiſe convict him in any paine proper for him to impone, the Juſtice ſhall have no power of new to fine that offender for that offence: but if they ſhall finde him not condingly puniſhed in regard of the offence committed by him, they ſhall then inform his Majeſties Counſell thereof, that they may take order therewith. And if there be no ſatisfaction made by the Shireff or Bailie to the partie offended, the Juſtices may modifie reaſonable ſatisfaction to the party offended: hee purſuing therefore before them, and if they ſhall finde the ſatisfaction diſcerned by the Shireff or Baylie in favours of the ſaid partie offended, not condigne nor anſwerable to the offence, and wrong ſuſtained, then they ſhall alſo informe his Majeſties Counſell thereof, that they may take order therewith as appertaineth.

V.

V.

IF either Shireff or Bailie, or other Deputies by colluſion with the delinquent, ſhall ſuffer any perſon guilty to be quited or cleared by an Aſſiſe (the partie once cleared, is not to bee brought further in queſtion before the Juſtices) but upon their information, the Judges are to bee called, cenſured, and ſeverely puniſhed by his Majeſties Counſell.

VI.

THe ſaid Juſtices ſhall hereby have power to proceed upon all perſons, committing ryots, and breaking of the Kings Peace, under the degree of Noblemen, Prelates, Counſellers, and Senators of the Colledge of Juſtice: and to puniſh and fine according to the quality of the crime, and the eſtate of the offender. And if any of the ſaid perſons being charged to compear before the ſaid Juſtices, ſhall diſobey the ſummonds being indorſed, the lawfull citation verified and fact proven, the Juſtices ſhall puniſh and fine the not compearing, according to the quality of the crime, and the eſtate of the offender. And for the more clear determination of the order which ſhall bee kept by the ſaids Commiſſioners in the deducing of any ſuch proceſſe. Our Soveraigne Lord, with adviſe of the Eſtates declareth, That it ſhall bee lawfull to the ſaids Juſtices whenſoever they have occaſion to move any action againſt parties for committing any like fact or riot, to refer the firſt ſummonds to the parties oaths of verity (incaſe of inlake of other lawfull probation) who being perſonally ſummoned by that firſt citation, ſhall be holden as confeſt, and decreit to bee pronounced againſt him, conforme to the libell and ſummonds. And if he be not perſonally ſummoned by the firſt citation, the ſaids Commiſſioners ſhall be holden to cauſe ſummond him of new againe, by a ſecond ſummonds, at his dwelling place: which two citations ſhall bee als ſufficient to infer decreit, and ſentence upon the libell againſt him, as if hee were apprehended perſonally. And which ſentence given after the manner and forme of approbation abovewritten; His Majeſtie, with adviſe foreſaid, authorizes and ſuſtaines as good and lawfull in themſelves. And concerning theſe perſons of higher degree, the ſaids Commiſſioners ſhall uſe all their power for preventing and ſtaying of the riots, commanding the attempters in his Majeſties name to ceaſe, and to finde caution for keeping of the peace, and for their compearance before his Majeſties Counſell. And if any perſon, being charged to finde caution, and refuſeth or delayeth to do the ſame, and in the mean time contraveeneth the ſaid charge, by committing of ſome deed betwixt the time of the charge and finding of the caution: nevertheleſſe he ſhall be anſwerable for the paine from the date of the charge, like as if caution had been then found.

VII.

THe ſaids Commiſſioners ſhall put his Majeſties Acts of Parliament to due and full execution againſt wilfull Beggers and Vagabonds, ſolitarie and idle men and women, without calling or trade, lurking in Ale-houſes, tyed to no certain ſervice, repute and holden as vagabonds: and againſt thoſe perſons who are commonly called Egyptians: and they ſhall puniſh and fine their recepters, and ſetters of houſes to them accordingly, by ſuch competent paines as is proper to them to injoyne.

VIII.

THe ſaids Commiſſioners and Juſtices of Peace, are hereby authorized, with power to give order (as they ſhall think moſt convenient, and with leaſt grief to the ſubjects) for mending of all High-wayes and paſſages, to or from any Market towne or ſea-port within that Shire: and ſhall call before them all ſuch perſons as ſhall ſtraite theſe paſſages (or otherwayes by caſting of Ditches and fuſeis thorow the ſame) ſhall make thoſe High-wayes noyſome and troubleſome unto paſſengers, and ſhall puniſh and fyne them according to the qualitie of their offence. And to the effect it may be known of what breadth all common High-wayes ſhould be to Market townes, our Soveraigne Lord, with advice foreſaid, declares, that the ſame ſhould be of twentie foot of meaſure in breadth at the leaſt: and where any are of larger breadth, they ordaine the ſame ſo to remain unaltered or ſtraited: and that the ſaids Juſtices maintaine the ſame, with all other wayes from any town in the Paroch, to the Paroch Churches, in the eſtate as they

are: and where they finde any neceſſitie of others wayes from any town in the Parochin to Paroch Churches, they ſhall informe his Majeſties Secret Councell thereof, who ſhall give them (after ſufficient information) their direction thereanent: according whereunto they ſhal be holden to proceed. And if any perſon refuſe to concur for mending of high-wayes and paſſages, the ſaid Juſtices ſhall have power to cenſure and puniſh them according to their diſcretion: with proviſion alwayes, that if in their proceedings therein, they uſe ſuch ſeveritie or rigour, as may move juſt complaints againſt them; they ſhall be cenſured therefore by his Majeſties Secret Councell, as appertaineth.

IX.

THe ſaids Commiſsioners ſhall put his Majeſties Acts of Parliament to execution, againſt cutters and deſtroyers of Planting, Green-wood, Orchards, Yards, Haynings, breakers of Dove-houſes and Coningers, ſtealers of Bees and Bee-hyves, uſers of unlawfull games with lying dogs, ſlayers of red and black fiſh and ſmolts in forbidden time, Fowlers fowling in other mens lands, makers of moore-burne and moſſe-burne, ſetters of cruves or nets in waters and dammes, having and keeping of cruves and yares in forbidden time: and ſhall proceed againſt them accordingly: And for their better warrand to proceed in the premiſſes, It is his Highnes pleaſure, that commiſſion ſhall be granted to the ſaids Juſtices of Peace, to try & puniſh the violaters of the ſaids Acts, in the tryall-whereof they ſhall proceed by witneſſes, by oath of partie, and the puniſhment to be inflicted by them, ſhall be a pecuniall ſumme, anſwerable to the circumſtance of the offence, and the qualitie of the offender; with ſpeciall proviſion, that their cenſures and puniſhment ſhall extend againſt none but thoſe againſt whom by the priviledge of their inſtructions they may lawfully proceed, and alſo with proviſion that the ſaid commiſſions be not extended to any perſons who ſhall be arreſted and conveined for the ſaids crimes before any other ordinary Judge. It is alſo provided, that the ordinance and power contained in this Article, ſhall no wayes be prejudiciall to any other commiſſions or rights whatſoever, granted to others parties, whereby they have power to proceed and cenſure the crimes and offences above-written.

X.

ITem, they ſhall informe the Kings Majeſties Councell, and his Highneſſe Theſaurer or Advocate, at the leaſt once every yeare, of fore-ſtallers or regraters of Markets, that order may be taken with them conforme to the Acts of Parliament.

XI.

IT ſhall not be licenced to any Hoſtler to recept any maſter-leſſe men and Rebels at the Horne, any vagabouds, or other perſons guilty of knowne crimes, or uſing ſtouth and reaf, under the paines under-written, To wit, fourty ſhillings to be incurred by them for the firſt fault, foure pounds for the ſecond, and ten marks for the third, together with the loſing of the libertie of Brewing, the incurrers of the which pains, ſhall be puniſhed according to the order aforeſaid, by the Barons and Maſters of the ground whereupon the Hoſtler dwelleth, within the ſpace of fifteen dayes after the committing of the fact. And if the ſaids Barons and Heretours neglect to do the ſame within the ſaid ſpace, it ſhall be lawfull to the ſaids Juſtices to purſue and fyne the Delinquents in their Courts, according to the paines foreſaid, and to uplift the ſame from them: without prejudice alwayes of whatſoever others Acts made againſt the ſaid Hoſtlers in the Barons Court-bookes under whom they dwell, bearing any higher pain than as is ſet down in this above-written Act; and alſo without prejudice of all action criminall or civill, competent of the law, againſt the ſaid Hoſtlers, in caſe they be under the danger thereof, which ſhall not be taken away by any puniſhment ſet downe, and to be inflicted conforme to this Act.

XII.

ITem, they ſhall informe the Kings Theſaurer and Advocate, of breakers and contraveiners of the Acts of Parliament made againſt Malt-makers, that the tranſgreſſours and contraveiners thereof may be puniſhed conforme to the tenour of the ſaids Acts.

XIII.

XIII.

THey ſhall ſet down order in the countrey for governance in time of Plague, and ſhall puniſh ſeverely the diſobeyers of the order appointed by them, according to the quality of the delict.

XIIII

THey ſhall appoint at their Quarter-Seſſions to be kept in Auguſt and February, the ordinary hyre and wages of Labourers, Workmen and Servants, and who ſhall refuſe to ſerve upon the price ſet down by them, ſhall be impriſoned, and farther puniſhed at their diſcretion. And to the effect that ſervants may be the more willing to obey the ordinances to be made by the ſaids Juſtices and the ſaids fees, the ſaids Juſtices ſhall have power to diſcerne, and compell the Maſters to make payment of the fees appointed by their ordinance, in caſe the Servants pleaſe rather to purſue for the ſame before them than any other Judge.

XV.

THe ſaids Commiſſioners ſhal take notice in all Sheriffdomes where there are any Gailes and Priſon-houſes within any Burgh, that the ſame may be kept up, and not ſuffered to decay or become ruinous. And if there be any Shire where there is not any Gaile or Priſon-houſe, they ſhal inform his Majeſties Councel thereof, that they may appoint and give order for building of one within the head Burgh of the Shire, and according to the directions to be given there-anent, the Juſtice ſhalbe holden to proceed.

XVI.

AND becauſe there be a great many of Priſoners apprehended and committed, who having no meanes of their owne for their maintenance and entertainment, will otherwiſe famiſh and ſterve before they can come to their tryall: who not the leſſe in regard of the crimes they have committed, can no wayes be put under ſurety, or otherwiſe in faults of leſſe conſequence, are unable to finde ſufficient caution to be made forth-coming and anſwerable at the next Seſſion. Therefore it ſhall be lawfull to the ſaids Commiſſioner, and Juſtices at their Quarter-Seſſion, to rate every Parochin for a weekly proportion for the entertainment of thoſe poor Priſoners, providing they do not exceed the ſumme of five ſhillings, Scots money, at the moſt, not under one ſhilling at the leaſt: which ſumme ſhall be up-lifted for that uſe by the Miniſter or Reader, who ſhall ſerve at every Paroch, from ſuch Deacons who ſhalbe appointed to collect the ſame: and the ſaids ſums to be delivered by the Conſtable of the Paroch, at the Quarter-Seſſions, in preſence of the whole Bench then conveened, to ſuch perſons as the ſaids Juſtices ſhal truſt therewith, and who accordingly ſhal make due account in paying the Gailers ſuch rates as ſhall be allowed for the poor Priſoners, and making the reſt forth-coming for ſuch uſe and intent of the like nature, as the ſaids Juſtices ſhall appoint.

XVII.

ALl Magiſtrats of Burghs, and keepers of any Gailes or Priſons, ſhall receive into their Priſons all ſuch perſons as either ſhall be brought by Conſtables, or ſent unto them by warrands, under the hand of any one Juſtice of Peace (the ſaids Juſtices cauſing ſatisfie for their entertainment) and if any Magiſtrates, or their Gailers, ſuffer any perſons, committed by the Juſtices to their priſons, to eſcape, they ſhall be condignely puniſhed therefore, at the diſcretion of his Majeſties Councell.

XVIII.

Item, our Soveraigne Lord, with advice foreſaids, ordains the ſaids Commiſſioners to ſet a price upon Craftſ-mens work, and upon the ordinars of Penny Brydals, together with the price of Shearers fees, and to puniſh the contraveeners, as appertaineth.

XIX.

THey ſhall cauſe ſufficient ſingle and double Ale to be brewed in every Shire, and ſhall appoint viſitors to that effect, with conſent of the Baron and Over-Lord of the Ground. They ſhall ſet down Acts againſt notorious and common Drunkards, and impoſe ſummes upon the contraveeners, according to their qualities and deſerts.

XX.

OUR Soveraigne Lord, with advice aforesaid, declareth that the Justices of Peace shall be a full number and Session to decide in matters occurring betwixt the four Quarter-Sessions.

XXI.

ALso declares, that no Letters of Caption ought to be granted against the saids Justices for apprehending of Rebels, except they be found subject to do the same, by possessing of such other Offices and places, to the which the obedience and putting to execution of any such charges doth belong.

XXII.

AND because there is sensible prejudice seen and felt through many parts of the Kingdome, by reason of the diversitie of Measures and Weights used in the same, Therefore our Soveraigne Lord, with advice foresaid, for removing of all abuses, which may ensue in any time to come thereby, Hath found expedient, and by this Decreet and Statute of Parliament, decernes, statutes, and ordaines, That there shall be but one just Measure and Weight through all the parts of the Kingdome, which shall universally serve all his Highnes Lieges, by the which they shall sell and buy, and receive and give out in all times to come: which Measure his Majesty, with advice foresaid, findes, should be that Measure of *Linlithgow*, which is now commonly used, & which hath been used most customably thorow the greatest part of the Kingdom these fiftie or threescore yeares bypast. And for setling of a perfect order, whereby all the Measures that are now used may be reduced to the conformitie of the said Measure now authorized. And for making of proportion answerable betwixt the lesser measure and weights, and the greatest, His Majesty, with advice foresaid, hath granted full power and commission to Sir *James Weymes* of Bogie Knight, Sir *George Auchinleke* of Balmanno Knight, Sir *James Fowles* of Colingtoun Knight, Sir *Robert Steward* of Schillinlaw, Sir *John Wauss* of Barnbarro knight, Sir *William Greirson* of Lag Knight, and to *James Nisbet* Bailie and Burges of Edinburgh, M. *Alexander Wedderburn* Clerk of Dundie, Sir *Thomas Menzeis* Provest of Aberdeen, *James Hammiltoun* Provest of Glasgow, *John Osburn* Burges of Air, and Sir *George Bruce* of Carnok, Burges of Culros.

Whom, or any eight of them, his Majesty, with advise foresaid, ordaines to meet and conveen together at such time and place as they shall think expedient, and to consult and advise together, and to appoint and determine upon the most convenient meanes, how the saids measures and weights may be reduced to the conformity aforesaid. And after they have ripely advised therewith, and given forth their determination thereanent, they shall deliver the same, and whole course of their proceedings to the Commissioners and Justices of Peace, and to the Deanes of Guylde of the head Burghs of the Shires, who shall be holden carefully to do their diligence, to see the measure foresaid, now appointed, to have the course through all parts, as well Burgh as Landward. And that there may one constant conformity betwixt Burgh and Land, our Soveraigne Lord, with advise foresaid, ordaines the saids Justices of Peace in Landward, to take tryall of the measures and weights used in Burgh, and to take Note from the Magistrates and Deanes of Guyld of every Town, of the weights and measures, and of the number thereof, which the saids Magistrates and Deanes of Guyld in Burgh, shall bee holden to shew, declare, and give up to them, to the effect the saids Justices to Landward, may confer the same with the Standard now authorized, and where they finde any disconformity in the same, from the said Standard, the saids Justices shall inform the Kings Majesties Counsell thereof, that they may take order therewith as appertaineth. For it is expresly provided by these presents, that the saids Magistrates in Burgh shall not be permitted to have or use any moe measures within their Townes, than the number to be professed by them, and given up in Note, to the said Justices to Landward, as said is. This alwayes being respected, that if the saids Magistrates within Burgh find any necessity for having any moe measures then was given up, and used by them before, it shall be licenced to them to make moe measures, they being answerable

anſwerable and conform to the Standard, and making the ſaids Juſtices to Landward foreſeen and acquainted therewith, and declaring the number of the meaſures whereof they finde the neceſſity of uſe.

The ſaids Juſtices ſhall be holden to give command and direction to their Conſtables, to apprehend any ſuch perſon who ſhall be found contemptuouſly to have diſobeyd the cenſures of the Church, they being lawfully required to do the ſame.

XXIII.

THe ſaids Juſtices of Peace, aſwell to Burgh as Land, ſhall conveane and be preſent at the quarter Seſſions of the Shire, where the Burgh and Land lyes, give their oath to the Bench at their admiſſion, make their record, and make payment of the fines intromitted with by them as Juſtices of Peace of that Shire, and to their Collector.

XXIV.

THey ſhall appoint a ſufficient Collector for uplifting the fines and penalties which they have power to impoſe upon any offender, and are to take caution of him for making due accompt.

XXV.

THey ſhall have, enduring the time of Seſſions, for every day of their abode (ſo it do not exceed the number of three dayes at the moſt at one time) allowed to every one of them fourty ſhillings, Scots money, daily to be payed and uplifted by the collector of the fines, but neither Earle, Lord, Biſhop, Privy-councellour, or Seſſioner, ſhall have any allowance: and all ſuch Juſtices as have the benefit of that allowance, and ſhall be abſent from every ordinarie Quarter Seſſions, or otherways when he is required lawfully by the *Cuſtos Rotulorum*, to any particular meeting, ſhall incur the penaltie of fourty pounds, Scots money, not being lawfully excuſed, and the excuſe allowed by the reſt of the Juſtices there aſſembled.

XXVI.

THe Lords of Seſſion ſhall direct generall and ſummaire charges of horning and poinding at the inſtance of the Collector (appointed in every County for ingathering of all fines and penalties whatſoever incurred) upon ſimple charge of fifteene dayes, and no ſuſpenſion ſhall be granted, but upon conſignation of the ſummes contained in the ſentence, and by finding caution for payment of the charges of the Juſtices at the modification of the Lords.

XXVII.

THe ſaids Commiſſioners at the end of every Quarter Seſſion, ſhall ſend to his Majeſties Councel a catalogue of all ſuch perſons as they have either committed, or otherwiſe put under ſurety, with a ſhort abreviate of the cauſe thereof: to the effect, that thereupon the Counſell, as they ſhall think expedient, may return to them againſt their next Seſſions, or to the *Cuſtos Rotulorum*, in the meane while their further directions.

Anent Conſtables.

I.

OUR Soveraigne Lord, with the adviſe of the Eſtates, finds and declares, that the Conſtables are to be made choiſe of, by the Commiſſioners and Juſtices of Peace in their Quarter Seſſions throughout the whole countrey, two at leaſt in every parochine, or moe, according to their diſcretions, having conſideration of the quality thereof. In great townes likewiſe (not being Cities nor free Burghs) they are to appoint a number of Conſtables proportionally to the greatneſſe thereof: but in all Burghs Regall, and free Cities, the Conſtables are to be choſen by the Magiſtrates of the ſame, and they are to indure, and to be changed from ſix to ſix moneths.

II.

And who ſhall refuſe to accept the charge, and not to give his oath for dutifull execution thereof, ſhall be impriſoned and fined at the diſcretion of the Juſtice of Peace, at their next ſitting.

III.

III.

The Constables shall take the Oath following.

You shall sweare that you shall faithfully and truely discharge your office of Constabulary within the Parochine of, &c. *enduring the time appointed to you, and shall not for favour, respect, or fear of any man, forbeare to doe what becommeth you of your office, and above all things you shall regard the keeping and preserving of the Kings Majesties Peace, and shall at every Quarter Sessions and meetings of Justices, give true and due information of any breach, which hes been made of his Majesties Peace, within the bounds of your commandement, and shall no way hide, cover, nor conceale the same, nor any of the proofs and evidences which you can give for the clearing and proving thereof*, So help you God.

IV.

A Constable may apprehend any suspect man, who for the most part sleepeth all the day, and walketh in the night, and carry him to the next Justice of Peace, to finde surety for his good behaviour, or otherwise to be committed to prison: and if he bee a man of quality, the Justice of Peace shall go with the Constable, and do it.

Constables shall stay and arrest all Vagabounds, Sturdy-beggers, and Egyptians, and carry them before the next Commissioners of Peace, who shall take order for their committing, or punishment, according to the Statute of Parliament.

V.

Constables shall arrest all idle persons, whom they know to have no meanes to live upon, and will not take themselves to any labour, trade, or occupation, and shall carry them before the Commissioner of Peace, who after examination, shall either commit them, or take surety of them for their appearance at the next Sessions.

VI.

Any Constable having apprehended a person guilty and culpable of slaughter murther, theft, or any other capitall crime whatsoever, shall then require his neighbours to assist, for safe convoying of such persons to the next Commissioner, who shall then examine the party, and set down his deposition in writing, to bee shewn at the next Sessions, and thereafter shall send him back to prison. And if a Nobleman, Prelate, or small Baron, or any in their names, having power, shall acclaime the right of Jurisdiction to proceed against the delinquent, The said Justice shall receive surety of the said party, who required the defender to be delivered to him, that justice shall be duely ministred, and cause delivery of the said person, be made to him. Alwayes the said Commissioner of Peace, at the next Sessions, shall certifie the whole matter to the Bench: to the effect they may enquire whether justice hath accordingly been ministred: and if any fault be found, to advertise his Majesties Counsell, that order may bee taken therewith.

VII.

Any of his Majesties Subjects of the degree of Yeomen, who shall refuse or delay to concurre with the Constable in the executing of his office, shall be imprisoned and punished by the Commissioners and Justices: and if he be of an higher degree and quality, the Constable shall inform the Justice thereof, that they may make the Lords of Privy Counsell acquaint, whom the Estates ordaines to censure the offender according to the quality of the fault.

VIII.

A Constable shall arrest any person of the degree of a Yeomen, who shall be found wearing Hagbuts, Pistolets, and Dagges, and shall carry them before a Commissioner of Peace, who is either to take surety for their appearence the next Session, or commit them prisoners till they do the same: but if the person be of higher quality, the Constable shall informe the Justice thereof, who shall delate the same to his Majesties Counsell, that order may be taken therewith.

IX.

If any party of degree of Yeomen, do complain to a Constable, that he is threatned by any other, then shall the Constable apprehend the threatner, and carry him, with the party

party complainant, before the next commissioner of peace: and if he refuse to go, then shall they carry him to prison. And if he be of an higher degree, the Justice being informed thereof, shall informe the Counsell, and in the mean time, charge the party to peace.

X.

All the Constables, at the least one of every Paroch, instructed with commission, to answer for the rest within the said Paroch, shall attend at every Quarter Session, there to give information of all such misdemeiners as have happened in those bounds since the last Session, and otherwayes to give to the Bench further satisfaction in any thing wherein they shall be required: and to receive from the said commissioners, at the end of the Session, such orders and directions as they shall then injoine, and appoint them to doe.

XI.

Upon the appearance of any Fray or stir betwixt parties, the constable may take the assistance of his neighbours, for sundring of the parties: and if there be any harme done to the constable, or any of his assistance, by them who made the effray, they shall bee punished by the Justices at the next Session, they being of the quality of yeomen, and being of an higher quality, the counsell shall be informed thereof, as said is.

XII.

When any had made an effray, and then flee to an house, the constables may follow to the house, and if the doors be shut, he shall take notice of the master of the house, and require witnesse thereon. And albeit the delinquent shal flee further without the bounds of the constables charge, yet may the constable follow, and apprehend him in a fresh pursuit, and crave concurrence of the countrey to that effect.

XIII.

The Constables within every parochine, shall be executers of the precepts and warrands of the Justice of Peace.

XIV.

Concerning the Fees and satisfaction to be given to the constables and clerks for their paines: Our Soveraigne Lord, with advise foresaid, ordeines the saids Justices to give up particular Notes in writ to the auditors of his Majesties Chacker, of the fines inbrought to them, that out thereof such measure and satisfaction may be appointed and given to the saids clerks and constables, as may recompence their travels, wherein if it shall be found that the saids fines will not be sufficient, the saids Lords of his Highnesse Chacker, shall appoint such further satisfaction to them, as in their discretion they shall think their labours and diligence doth deserve, and cause them bee payed of the same. And notwithstanding of this above written Act, and all the particular foresaids contained in the same: Our Soveraigne Lord, with the advise and consent of the saids Estates, statutes, decernes, and declares, That the erection of the saids Commissioners and Justices of Peace, and grant of jurisdiction and priviledges to them, nor the making or approbation of the particular Articles above written, introduced in their favours, nor any thing therein contained, shall be in any sort derogatory or prejudiciall to the rights, priviledges, or liberties granted or bestowed by His Majesty, or His Highnesse Royall Predecessours of before to any of His Majesties Subjects, of whatsoever estate or quality, from the highest to the lowest: But declares, that the saids rights, priviledges, and liberties, shall remaine in their own integrity, safe, and intire, and unhurt, or prejudged by the premisses, or any thing expressed in the saids Articles, and every one of them, and are holden as specially reserved and excepted out of the same.

And least this abovewritten reservation should seem altogether to destroy the power granted to the saids Justices, or should beget controversies betwixt them, and any other having right and liberty of jurisdiction, as said is: Our Soveraigne Lord, with advise foresaid, for removing of all question, which may arise betwixt them thereanent, Declares, that it shall not bee lawfull, nor permitted to the saids Justices, to make any citation of any party before their court, till the expiring of the space of fifteen dayes, after the committing of the fact, for which the committer is to bee con-

veened

veened, at the compleat out-running of the which ſpace, if any, having power and juriſdiction, as ſaid is, hath omitted and neglected to uſe and exerce the priviledge and liberty of their right and power; it ſhall then be lawfull to the ſaids Juſtices, to make citation, and to proceed againſt the parties, according to the power and authority given to them by his Highneſſe, with adviſe foreſaid, and conform to the particular Articles abovewritten, in all points, and no otherwayes.

Which all and ſundry the premiſſes, our Soveraigne Lord, with adviſe and conſent foreſaid, ratifies and approves, in all points in manner as the ſame proports, and gives unto them the ſtrength and force of Acts and Ordinances of Parliament; and ordaines execution to paſſe upon the ſame as affaires.

ACT. IX.

Anent teinding of Cornes.

FOrſomuch as by divers and ſundry Acts of Parliament made of before, anent the order and manner of teinding of Corns, and ſpecially by the eighth Act of his Majeſties xviii. Parliament, holden at *Perth*, upon the ninth of July, 1606. and ſeuſine by the fifth Act of the xxi. Parliament, holden at *Edinburgh*, upon the 23. of October, 1612. the manner and forme of teinding, and the time and ſpace appointed, for requiſition to be made for the ſame, is at length ſet down: in the which Acts is ſtatute and ordeined, That all Cornes ſhall be teinded at three ſeverall times in the yeer, if the owners thereof thinks expedient: to wit, the croft in field corn at one time, the Beer at another time, and the out-field corn at the third time, as the ſaids Acts proports: Nevertheleſſe, our Soveraigne Lord, for the greater well and eaſe of his Majeſties Lieges, finding it requiſite, that the former Acts be altered in the points following, for ſetling of a clear and certain order, to be hereafter obſerved, in all teinding of Cornes, Hath with adviſe and conſent of the Eſtates of Parliament, ſtatute, and ordeined, That it ſhall be lawfull to all heritors and labourers of the ground, eight dayes being expired after the compleat ſhearing of every one of the three ſorts of Cornes above written, to require the owner of the teind, at his dwelling place, within the parochine: and incaſe of his not dwelling therein for the time, his factor and ſervant, or other perſon (who is ordained to be conſtitute, and ſpecially deſigned by him in manner after mentioned) upon the premonition of four dayes, to come and make thankfull teinding of the ſaids Corns: who failing to do the ſame, and neither the owner of the teind, his ſelf, nor the other perſon appointed, to be deſigned by him, as is underwritten, comming and making the ſaid thankfull teinding, being ſo lawfully required:

Our Soveraigne Lord, with adviſe and conſent of the ſaids Eſtates, declares, That it ſhall be lawfull to the ſaids Heritors and labourers of the ground, to ſeparate the ſtock from the teind, and to lead and carry their ſtock away, and either to ſtack the ſame within their Barn yards, or to place the ſame in their barns, leaving the teind upon the ground, which they ſhall be holden to preſerve and keep undeſtroyed or eaten by beaſts, for the ſpace of eight dayes after the expiring of the time of the ſaid requiſition: Which Cornes being ſo led and ſtacked, or placed in barnes, and the tiend being left on the ground, and preſerved as ſaid is, Our Soveraigne Lord, with advice and conſent foreſaid, declares, It ſhall be ſufficient to liberate them of all danger of ſpuilzie, or wrongous intromiſſion, which may be moved againſt them therefore, in any time to come: And for more clear explanation of the premiſſes, ſtatutes and ordaines, the owner of the ſaids teinds, if he have not his dwelling within the ſaid parochin (whoſe dwelling there would require premonition to bee made to himſelfe at his dwelling place, as ſaid is)

To deſigne a ſpeciall ſervant and factor for him, to whom the ſaid premonition ſhall be made in his abſence, who ſhall have his remaining either in ſome certaine houſe, within the Parochin, or in the next moſt eweſt and adjacent clachan, whoſe name and particular place of reſidence, the ſaid owner of the teinds ſhall cauſe publickly intimate

mate in the Pariſh Kirk, either upon the laſt Sunday of July, or the firſt Sunday of Auguſt yearly, in preſence of the Paroſhin and Miniſter of the Paroſhiners, that no ignorance may be pretended thereof: which factor ſo deſigned, ſhall be warned either perſonally if he can be apprehended, or by intimation to be made to the Miniſter of the Pariſh, and at the foreſaid place to be deſigned for the factors remaining: which requiſition ſo made, our Soveraigne Lord, with advice foreſaid, declares, ſhall be als ſufficient, as if the ſame were made to the teind-maſter himſelf: Likeas it is declared, that (incaſe of the teind maſters, nor dwelling within the Parochin, as ſaid is) if the ſaid deſignation be not made of the ſaid factors name, and place of remaining, at the time, and in maner as is before ordained, it ſhall be then alſo lawfull, the ſaids eight dayes and foure dayes being bypaſt, to the owners of the Corns, to ſeparate the ſtock from the tiend, and to lead, ſtack, and place their ſtock in their barns or barn-yards, as ſaid is, leaving the teind upon the ground, and preſerving the ſame in manner before ſpecified: Which being done, they ſhall be likewiſe free of all actions of ſpoilzie, or wrongous intromiſſion, which they thereby may incurre. It is alwayes provided, by our Soveraigne Lord, with adviſe of the ſaids Eſtates, That whereas by this Act and Statute requiſition is not ordained to be made till the expiring of eight dayes after the compleat ſhearing of every one of three ſorts of the cornes before ſpecified: yet notwithſtanding thereof, the ſaids Eſtates declares, That albeit the tenth part of every ſort of the ſaids cornes, or about the tenth part be ſtanding unſhorne and uncutdown, the not ſhearing of that quantity, ſhall be no cauſe nor impediment to ſtay the owner to make the requiſition: neither ſhall the ſame furniſh any lawfull excuſe to the teind maſter, upon the pretext whereof he ſhould refuſe teinding for the reſt: but declares this Act to bee effectuall, and to have the own force, albeit the tenth part, or about the ſame, remain unſhorne, as ſaid is: the ſaids herritors, or labourers, uſing the like order of requiſition thereafter for teinding of the ſaids unſhorn cornes, the time when the ſame are ready.

ACT X.

Anent the Poor.

FOraſmuch as there hath been divers worthy Laws and Statutes made by his Majeſty, and his Highneſſe Predeceſſours, for reſtraining of idle and maſterfull Beggers: and that notwithſtanding thereof, the number of the ſaids Beggers hath daily increaſed, more and more: and his Majeſty, and Eſtates, conſidering, that the cauſe of the multiplying of the ſaids Beggers, hath, and doth, proceed from this ground, That no order hath been taken in by-gone time, with the poor Children and Orphans, born of poor and indigent Parents, who being tollerated, or neglected, at their firſt entry to begging, doth contract ſuch a cuſtome and habite, that hardly they can be drawn thereafter to any other calling: whereas if the ſaids Children were in their tender years put to work, and imployed, and trained up in any commendable labour, might thereafter not onely relieve the countrey of their charges, but alſo prove profitable to the common-wealth: which might be eaſily performed, if the ſaids poor children were taken off the hands of their Parents, by ſome of his Majeſties well-affected ſubjects in particular, or by any of the incorporations and Burghs within this his Majeſties Kingdome in common, and imployed in ſome calling or vocation, that might tend to the good of the Realme: Therefore, his Majeſty, with advice and conſent of the Eſtates, doth in moſt earneſt manner, recommend to all his Highneſſe loving Subjects, requeſting them, as they tender the good and honour of the Realme, to receive within their houſes and family, and to take upon their care, intertainment, and education, ſome of the ſaids poor and indigent children, one or moe, every perſon according to his power and faculty: Like as his Majeſty with advice foreſaid for the further ſecurity of his Highneſſe Subjects, findes and declares, that it ſhall bee lawfull to his Highneſſe Subjects, to take the ſaids poor children in their power, houſes, and family, to be educate, and brought up by them, either in their houſes, or to bee put by them to ſuch Crafts, callings, and vocations, either within the countrey, or without the ſame, as they pleaſe:

Which children ſo received, ſhall be oblieged and bound, as ſervants, to the receivers, in manner, and during the time after ſpecified: It is alwayes declared, that the condition of the ſaids children, which ſhall be ſo received by his Majeſties Leiges, and the manner of their delivery to them, ſhall be as followeth: That is to ſay, That they be ſuch as who ſhall be found and tryed to be poor and indigent, and to have no meanes for their entertainment, and that by the declaration of the Proveſt and Bailies, and by the Seſſion of the Kirk, within Burgh, or by either of them: and the Seſſions of the Kirks in Landward, where the ſaids poor children remaines, or are found to be for the time: and if the ſaids poor children be within the age of fourteen years, they ſhall be delivered to his Highneſſe Subjects, by the Magiſtrates within Burgh, or by the Seſſion of the Kirk and Parochin where they remaine, with conſent of their parents, if they have any known within the Parochin for the time: otherwiſe ſhall bee delivered by the ſaids Magiſtrates and Seſſion of the Kirk alone, or either of them, as ſaid is: And if they be paſt the age of fourteen years, that their own conſent ſhall bee taken thereto, by the advice of the ſaids Magiſtrates and Seſſion of Kirk, or either of them, as ſaid is: who at the delivery of the ſaids poor children, to his Highneſſe Subjects, ſhall give a teſtimoniall, under their, or their clerks hand writs, of the eſtate, quality, and condition foreſaid, of the ſaids poor children, and of their delivery to their maſters: Which teſtimoniall of the ſaids Proveſts, Bailies, and Seſſion of the Kirks, bearing the ſaid tryall and delivery, his Highneſſe, with advice and conſent of the Eſtates foreſaids, findes and declares, ſhall be a ſufficient warrand to the receivers, for brooking the benefit of this preſent ſtatute: And to the effect his Highneſſe Subjects may be moved hereto, by the expectation of the commodity and advantage which they may reap by the labours and ſervice of the ſaids poor children: His Majeſty, with advice of the ſaids Eſtates, ſtatutes and ordaines, that the ſaids poor children, received by any of his Highneſſe Subjects, upon the teſtimoniall of Proveſt, Bailies, or Seſſion of Kirks, in manner above ſpecified, ſhall be bound and aſtricted to their ſaids maſters, their heirs and aſſignayes, in all kind of ſervice, which ſhall be injoyned to them, untill they paſſe the age of thirty years compleat, and that they ſhall be under diſcipline to their ſaids maſters, and their foreſaids, and ſubject to their corrections and chaſtiſements, according to the merits of their offences, in all manner and ſort of puniſhment, the life and torture excepted. Likeas it is declared, that whatſoever the ſaids ſervants gaines, or wins, by their travels, during the ſaid ſpace, ſhall appertain properly to their ſaids maſters and their foreſaids: And if it ſhall happen the ſaids ſervants to abſent themſelves from their ſaids maſters ſervice, without their licence, then in that caſe they ſhall be oblieged to refound to their ſaids Maſters the whole damnage and intreſſe ſuſtained by them, through their abſence, upon the declaration of the ſaids Maſters, without any further probation, by and attour the bodily puniſhment to be laid upon them at their returning, by the diſcretion of their ſaids Maſters: And if it ſhall happen them to be received by any other perſons, the ſaids recepters ſhall be oblieged to reſtore them again to their ſaids Maſters, within twelve houres after they bee required to that effect, perſonally, or at their dwelling places, in preſence of a Notar, and two witneſſes, and if they failzie, they ſhall pay, after every requiſition, ten ſhillings daily, ay and till they be reſtored, and that without prejudice to the ſaids Maſters, to call and purſue for delivery of their ſaid ſervants, before the ordinary Judge, as accords of the law, and for the damnage and skaith ſuſtained by them, through the want of their ſaids ſervants, during the ſpace of their abſence, after the ſaid requiſition.

ACT XI.

Anent the Queens Majeſtie her Counſell.

OUR Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, ratifies and approves the Letter of Nomination made by his Highneſſe deareſt Spouſe, *Anna*, by the Grace of GOD, Queen of great Britain, *France*, and *Ireland*: of the date the xxvi. day of April laſt by-paſt: whereby her Majeſty, with his Highneſſe

conſent,

consent, hath nominated, and appointed, Sir *George Hay*, of Nather-Liff, Clerk of the Register, Sir *William Oliphant* of Newtown Knight, our Soveraigne Lords Advocate: Sir *Alexander Drummond* of Medope Knight, and Sir *William Scaton* of Kylfuore Knight, to be four of her Majesties Counsell, in place of the other foure of before deceased: and hath adjoyned them to the other three of her Majesties Counsell, as yet alive: to wit, *Alexander* Earle of Dunfermling, Chancellar: *Thomas*, Lord Binning, Secretary: and Sir *Peter Young*, Elemosyner to his Majesty, as in the said Letter of Nomination, of the date foresaid, at more length is contained. And his Majesty, with advice of the Estates foresaids, wills, declares, and ordaines, that the said Counsellers, at the least four of them, the said Lord Chancellar being alwayes one of the said four, shall have the guiding, government, and administration of the estate, living, and affaires, appertaining to his said Highnesse dearest Spouse within the Kingdome of *Scotland*: in the same manner and form as is set down in the Act of Parliament, made in the Moneth of July, 1593. years: and under the provisions and conditions expressed in the said Act of Parliament: which his Majesty, with advice foresaid, holds as herein expressed: and whensoever it shall happen any of the saids seven Counsellers, one, or more, to depart this life, his Majesty, with advice foresaid, wills and grants, that it shall be lawfull to her Highnesse, to nominate and appoint others in place of the persons deceased, to the effect above contained: Likeas his Majesty, with advice foresaid, now as if the said nomination were made, and then as now ratifies and approves the same, and declares the same to be as valide and effectuall, as if the same were made with consent of his Highnesse, and advice of the Estates foresaids.

ACT XII.

Anent prescription of heritable Rights.

OUR Soveraigne Lord, considering the great prejudice which his Majesties Leiges sustaines in their Lands and Heritages, not only by the abstracting, corrupting, and concealing of their true evidents, in their minority, and lesse age, and by the amission thereof, by the injury of time, through War, Plague, Fire, or such like occasions: but also by the counterfeiting and forging of false evidents and writs, and concealing of the same to such a time, that all meanes of improving thereof is taken away: whereby his Majesties Leiges are constitute in a great uncertainty of their heritable Rights, and divers pleas and actions are moved against them, after the expiring of thirty or fourty years: which nevertheless by the civill law, and by the lawes of all Nations, are declared void, and uneffectuall: And his Majestie, according to his fatherly care, which his Majesty hath, to ease and remove the griefs of his Subjects, being willing to cut off all occasion of pleas, and to put them in certainty of their heritage, in all time comming: Therefore his Majesty, with advice and consent of the Estates of Parliament, by the tennor of this present Act, statutes, findes, and declares, That whatsoever his Majesties Leiges, their predecessors and authors hath brooked heretofore, or shall happen to brook in time comming, by themselves, their tennents, and others, having their Rights, their Lands, Barronies, Annelrents, and other Heritages, by vertue of their heritable infeftments, made to them by his Majestie, or others their superiours and authors, for the space of fourty yeares, continually and togeither, following, and insuing the date of their saids infeftments, and that peaceably, without any lawfull interruption made to them therein, during the said space of fourty yeares, that such persons, their heirs and successours shall never be troubled, pursued, nor inquieted, in the heritable right and property of their saids lands and heritages foresaids, by his Majesty, or others, their superiours and authors, their heirs and successours, nor by any other person, pretending right to the same: By vertue of Prior infeftments, publike or private, nor upon no other ground, reason or argument, competent of law, except for falsehood: Providing they be able to shew and produce a Charter, of the saids lands, and others foresaids, granted to them, or their predecessours, by their saids superiours,

periours, and authors, preceding the entry of the ſaids fourty yeares poſſeſſion, with the inſtrument of ſeaſing following thereupon; or where there is no Charter extant, that they ſhew and produce inſtruments of Seaſing, one, or mae, continued, and ſtanding together, for the ſaid ſpace of fourty yeares, either proceeding upon retours, or upon precepts of *clare conſtat*. Which rights his Majeſty, with advice and conſent of the Eſtates foreſaids, findes, and declares, to be good, valide, and ſufficient rights, (being claid with the ſaid peaceable, and continuall poſſeſſion of fourty yeares) without any lawfull interruption, as ſaid is: for brooking of the heritable Right of the ſame lands, and others foreſaids. And ſicklike his Majeſty, with advice foreſaid, ſtatutes and ordaines, that all actions competent of the law, upon heritable Bands, Reverſions, Contracts, or others whatſoever, either already made, or to be made after the date hereof, ſhall be purſued, within the ſpace of fourty years, after the date of the ſame: except the ſaids Reverſions be incorporate within the body of the infeftments, uſed and produced by the poſſeſſour of the ſaids lands, for his title of the ſame, or regiſtrated in the Clerk of Regiſter his books: in the which caſe ſeeing all ſuſpition of falſehood ceaſes, moſt juſtly, the actions upon the ſaids Reverſions, ingroſſed and Regiſtrated, ought to be perpetuall: excepting always from this preſent Act, all actions of warrandize, which ſhall not preſcribe, from the date of the Band, or Infeftment, whereupon the warrandize is ſought: but only from the date of the diſtreſſe, which ſhall preſcribe, it not being purſued within fourty years, as ſaid is. And ſicklike it is declared, that in the courſe of the ſaids fourty years preſcription, the years of minority, and leſſe age, ſhall no wayes be counted, but only the years during the which the parties againſt whom the preſcription is uſed and objected were majors, and paſt xxi. yeares of age. And his Majeſty, being carefull, that no perſon, who hath any juſt claime, bee prejudged of their actions, by the preſcription of fourty yeares, already run and expired, before the date of this preſent Act: Hath, with advice foreſaid, granted full liberty and power to them, to intent their ſaids actions, within the ſpace of thirteen years, next following the date hereof: which ſhall be als effectuall, as if the ſame had been intented within the ſaid ſpace of fourty years, preſcribed by this preſent Act. After the expiring of the which thirteen yeares, this preſent Act ſhall have full force and effect, after the tennor thereof in all points. And nevertheleſſe it is declared, that the perſons, at whoſe inſtance the foreſaids actions ſhall be moved, and intented within the ſaid ſpace of thirteen yeares, ſhall not be compelled to inſiſt in the ſaids actions, at the deſire of their parties, upon the firſt ſummonds and citation thereof only, except that the ſaids firſt ſummonds be called and continued, and the defenders of new ſummond thereby: in the which caſe, and no otherwayes, it is declared, that they may be compelled to inſiſt at the inſtance of the party, having entreſſe.

ACT XIII.

Anent reduction of Retours, and ſummonds of Errour.

FOraſmuch as by Act of Parliament, made by his Majeſties moſt Noble Progenitour, King JAMES the fourth, of worthy memory, upon the 13. day of June, 1494. it was ſtatute and ordained, that all ſummonds of Errour, or inordinate proceſſe, be purſued within the ſpace of three yeares, after the determination of the inquiſt, or ſervice: the party being of lawfull age, and within the Realme, otherwiſe to preſcribe, as in the ſaid Act and Statute at more length is contained. And becauſe the true meaning and intention of the ſaid Act, was, That our Soveraigne Lords Lieges, being upon the ſaid inquiſt and ſervice, ſhould not lye under the paine and danger of Errour, after the ſpace of three yeares, and no wayes to hurt or prejudge the righteous heire, and neareſt of kin, who by the Law of God and man, was to ſucceed in the right of blood and ſucceſſion to their predeceſſours, and to their lands and heritages, *jure ſanguinis*. Therefore our ſaid Soveraigne Lord, with advice and conſent of the Eſtates foreſaids, Statutes and Ordains, That the ſaid Act of Parliament ſhall no wayes hurt nor prejudge the neareſt of kin to ſeek reduction of the ſaids Retours, and ſervice, to be paſt and exped in time comming,

and

and that within the ſpace of twenty years, immediatly following the date of the ſaids Retours and ſervices: and if the ſaids ſummonds of Reduction, be not intended, executed, and purſued, before the expiring of the ſaids twenty yeares, that the ſaid action of Reduction of the ſaid Retour and ſervice, ſhall preſcrive in the ſelfe, and no party to be heard thereafter to purſue the ſame Reduction: And alſ declares, that hereafter it ſhall no wayes be lawfull to purſue the perſons of inqueſt for wilfull errour, except they be purſued therefore within the ſpace of three yeares next after the date of the ſaid Retour and ſervice: it is alwayes declared, that theſe preſents ſhall no wayes be prejudiciall to whatſoever perſons, who have acquired Rights of lands and heritages before the date hereof, *bona fide*, from perſons already retoured thereto in any time by-gone: but the ſaids perſons, who have, *bona fide*, acquired to brook their Rights, according to the law then ſtanding.

ACT XIV.

Anent Executours.

OUR Soveraigne Lord, underſtanding that a great number of ignorant people, the time of their ſickneſſe and diſeaſe, or otherwiſe at the making of their Teſtaments and latter Wills, do nominate certain ſtrangers to be their Executors, meaning only to commit the care of their goods, and diligent in-getting thereof, to the ſaids ſtrangers, and that to the behoof of their children, or other perſons who are neareſt of kin: Whereas by the contrary, the ſaid Office of Executry, by the interpretation now obſerved, doth carry with it the whole profit and commoditie of the defuncts part of the goods contained in Teſtament: which his Majeſty findes to be altogether againſt law, conſcience, and equity: Therefore his Majeſty, with advice and conſent of the Eſtates of Parliament, findes and declares, that all Executours, already nominate in any Teſtament, not as yet confirmed, or to be nominate in any Teſtament to bee made hereafter, are, and ſhall be obliged, to make count, reckoning, and payment of the whole goods and geare appertaining to the defunct, & intromett with by them, to the wife, children and neareſt of Kin, according to the diviſion obſerved by the Laws of this Realm: reſerving onely to the ſaids Executors the third of the defuncts part, all debts being firſt payed and deduced, without prejudice alwayes to the ſaids Executors of whatſoever Legacies left to them by the ſaids defuncts: which ſhall no wayes be prejudged by this preſent Act: but the ſaids Executors ſhall have full right to their ſaids Legacies, albeit the ſame exceed the ſaid third of the defuncts part: and incaſe the ſaids Legacies exceed the whole third part, the ſaids Executors ſhall have right to the whole Legacie, and no part of the third: With this expreſſe declaration, That where Legacies are left to the Executors, they ſhall not fail both the ſaids Legacies and a third by this preſent Act, but the ſaids Legacies ſhall be imputed and allowed to them in part of payment of their third.

ACT XV.

Anent the Eſcheat of Life-rent Tacks.

OUR Soveraigne Lord, having conſidered that there hath been divers queſtions moved before the Lords of his Majeſties Councell and Seſſion, touching the Eſcheat of Life-rent tacks of lands and teinds, fallen by the rebellion of the perſons to whom the ſame appertained: and that it hath not yet been clearly decided, whether a Life-rent tack ſhould fall under the gift of a ſimple Eſcheat, or not: For the better clearing whereof in all time coming, our Soveraigne Lord, with advice of the Eſtates of this preſent Parliament, declares, ſtatutes, and ordains, that Life-rent tacks of lands, or teinds, ſhall not fall under a ſimple gift of eſcheat, but under the gift of a Life-rent eſcheat onely: And farther, In caſe any tack, ſet of lands, or teinds, contain moe Life-rents nor one; and that the perſon to whom the ſaid tack appertaineth in life-rent, be Rebel, attour the ſpace of year and day, wherethrough he loſes his Life-rent of the ſaid tack. It is hereby declared, that the remanent Life-renters contained in the ſaid tack, nor the

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heires or assignayes of the Rebell, who have right to the said tack, after the said Rebells deceasse, shall not be prejudged by the said Life-renters Rebellion: for that, after his deceasse, the said person, having right to the saids tacks, shall brook and injoy the same, notwithstanding the saids Life-renters rebellion attour the space of year and day: which rebellion shall prejudge himselfe onely, and no other person succeeding to him in the right of the said tack.

ACT XVI.

Anent the registration of Reversions, Seasings, and other Writs.

OUR Soveraigne Lord, considering the great hurt sustained by his Majesties Lieges, by the fraudulent dealing of parties, who having annalzied their Lands, and received great summes of money therefore, Yet by their injust concealing of some private Right formerly made by them, render the subsequent alienation done for great sums of money, altogether unprofitable: which cannot be avoided, unlesse the saids private Rights be made publick and patent to his Highnes Lieges: For remedy thereof, and of many inconvenients which may ensue thereupon; His Majesty, with advice and consent of the Estates of Parliament, Statutes and ordeins, That there shall be ane publick Register, in the which all Reversions, Regresses, Bands, and Writs for making of Reversions of Regresses, assignations thereto, discharges of the same Renunciations of wedsets, and grants of Redemption, and siklike all instruments of Seasing shall be Registrat within threescore dayes after the date of the same. It is alwayes declared, that it shall not be necessar to Registrate any Bands and Writs for making of Reversions, or Regresse, unlesse Seasing passe in favours of the parties, makers of the saids Bands or Writs: in the which case it is ordained, that the same shall be Registrate within threescore dayes after the date of the Seasing. The extract of the which Register shall make faith in all cases, except where the Writs so Registrated, are offered to be improven. And if it shall happen any of the saids Writs, which are appointed to be Registrated, as said is, not to be duely Registrated within the said space of threescore dayes: then, and in that case, his Majesty, with advice and consent foresaid, decerns the same to make no faith in Judgement by way of action or exception in prejudice of a third party, who hath acquired a perfect and lawfull Right to the saids Lands and Heritages: But prejudice alwayes to them to use the saids Writs against the partie maker thereof, his heires and successours. It is alwayes declared, that this present Act shall no wayes be extended to instruments of Seasing, and Reversions therein conteined, given by Provest and Bailies of free Burghs Royall, of lands lying within their Liberties and Freedomes, halden by the saids Burghs in free Burgage of his Majesty, nor to na other heritable Writs thereof, nor yet to Reversions incorporate in the Body of the Infeftments, made to the persons against whom the saids Reversions are used. It is also declared, that if any Renunciations or Grants of Redemption, which shall happen to be consigned in processe betwixt parties, shall be Registrat within threescore dayes after the dates of the decreets whereby the same shall be ordeined to be given up to the parties having right thereto, the same shall be sufficient. And to the effect the said Register may presently and in all time comming be the more faithfully keeped: Therfore our said Soveraigne Lord, with advice and consent foresaid, statutes and ordeins the same Registers and Registrations foresaids, to be infert therein, to appertain and belang to the present Clerk of Register, and his Deputes to be appointed by him to that effect. And decernes and ordeines the same Registers to be annexed and incorporate with the said office, and that the Clerk of Register, present, and to come, have the said Office as ane proper part and pertinent of the Clerk of Register his office, make and constitute particular deputes, ane or moe for all the dayes of their life-times, or otherwise as he shall think expedient, of good fame, literature, and conversation, for whom he shall be answerable, and who shall be resident within the towns and places after-specified, at all times to receive fra the parties their Evidents, and to Registrat the same within the space of fourtie eight houres next after

after the receipt thereof, and to ingroſſe the whole body of the writ in the Regiſter, under the pain of deprivation of the Clerk of his place and ſervice, and of the office of Notarie in all time thereafter. And within the ſame ſpace ſhall deliver to the preſenter of the ſamine, their Evidents marked by him, with the day, moneth, and year of the Regiſtration, and in what leafe of the book the ſame is Regiſtrate: and ſhall take allannerly for his paines twenty ſix ſhillings eight pennies money of this Realme, as the price of ilk leaf of his Regiſter, containing no leſſe then is in this preſent Act: and incaſe the leaf contain leſſe, to take leſſe accordingly, and ſo proportionally for every page of the leaf, and part of the page, and according thereto ſhall take for Regiſtring of every ane of the ſaids Evidents. And the ſaids Regiſters to bee filled by the ſaids Deputes to be marked by the Clerk of Regiſter and his Deputes to be appointed by him to that effect, with ane note of the particular number of the leaves that the ſame ſhall containe; and the ſaids Regiſters after the filling of the ſame to be reported to the ſaid Clerk of Regiſter, to remain with him and his Deputes, and bee patent to all our Soveraign Lords Lieges, and extracts thereof to be given by him and his Deputes to be appointed by him, during all the dayes of their lifetime, or otherwayes as he ſhall think expedient for that effect, to all ſhall have adoe with the ſame, which ſhall make as great faith, as the principalls, except incaſe of improbation. And the ſaids Regiſters for the greater eaſe of the Lieges, to bee eſtabliſhed in the particular places following: That is to ſay, Ane in the town of Kirkwall in Orkney, for the whole lands lyand within the bounds of the Sheriſdomes of Orknay and Yetland: and ane in the Burgh of Innernes, for the whole lands lyand within the Sheriſdomes of Innernes, and Cromartie. Ane in the Burgh of Elgine, for the whole lands lyand within the bounds of the Sheriſdome of Forres and Nairn. Ane in the Burgh of Aberdene, for the whole lands lyand within the bounds of the Sheriffdomes of Aberdene, Bamfe, and Kincardin. Ane in the Burgh of Dundie, for the whole lands lyand within the bounds of the Sheriffdome of Forfar. Ane in the Burgh of Perth, for the whole lands lyand within the Sheriſdome of Perth, and Stewardry of Stratherne (exceptand the Stewardry of Monteeth) Ane in the Burgh of Sterling, for the whole lands lyand within the bounds of the Sheriſdomes of Sterling, Clakemannan, and Stewardry of Monteith. Ane in the Burgh of Cowper in Fife, for the whole lands lyand within the bounds of the Sheriſdomes of Fife and Kinroſhire. Ane in the Burgh of Edinburgh, for the whole lands lyand within the bounds of the Sheriffdomes of Edinburgh principall, Conſtabularie of Haddintoun, Linlithgow, and Bathket. Ane in the Burgh of Lawder, for the whole lands lyand within the Sheriſdome of Berwick, and Bailietie of Lawderdale. Ane in the Town of Selkirk, for the whole lands lying within the Sheriſdomes of Roxburgh, Selkirk, and Peebles. Ane in the town of Hammiltoun, for the whole lands lyand within the bounds of the Sheriffdome of Lanerk: (exceptand the Burgh and Barronie of Glaſgow) Ane in the City of Glaſgow, for the whole lands lyand within the bounds of the Sheriſdome of Renfrew, and Baronie of Glaſgow. Ane in the Burgh of Dumbartan for the whole lands lyand within the bounds of the Sheriffdomes of Dunbritton, Bute, Argyle, Arrane, and Tarbet. Ane in the Burgh of Air, for the whole lands lyand within the bounds of the Sheriſdome of Air, Bailierie of Kyle, Carrik, and Cuninghame. Ane in the Burgh of Wigtoun for the whole lands lyand within the bounds of the Sheriffdome of Wigtoun. Ane in the Burgh of Drumfries, for the whole lands lyand within the bounds of the Sheriſdome of Drumfries, Stewardries of Kirkcudbright and Annandale; Or any other place or places more convenient, as the Clerk of Regiſter ſhall think moſt expedient, due intimation being made to the Lieges of the ſame: And the ſaids Evidents to be Regiſtrate in the particular Books appointed for the lands within the bounds of ilk Sheriſdome, Stewardrie, and Bailierie, as ſaid is, or in the option of the party in the Books of Regiſter or Seſſion keeped by the ſaid Clerk Regiſter himſelf or his Deputes to be appointed by him, during all the dayes of their lifetime, or otherwayes as he ſhall think expedient to that effect, in Edinburgh. And our ſaid Soveraigne Lord, with advice and

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conſent of the Eſtates decerns, and declares, this preſent Act to have the force ſtrength and effect of ane Decreet and Statute of Parliament, which ſhal have force and execution, according to the tennor thereof in all time to come. Ordaining publication to be made of the ſame in forme as effeires.

ACT XVII.

Anent the looſing of Arreſtments.

OUR Soveraigne Lord, conſidering the great abuſe and corruption uſed in finding of caution to meſſengers for looſing of arreſtments in times bygone, whereby his Highneſſe Lieges have been heavily prejudged, the receiving of the ſaid caution being committed to whatſoevet Meſſenger of Armes the party pleaſeth to chuſe, who at the deſire of the party, for the moſt part, receiveth irreſponſall cautioners: and thereafter, when caution is found, there is no warrand thereof given to the party arreſter; but only a ticket, under the Meſſengers ſtamp and ſubſcription, bearing him to have looſed the arreſtment, and to have received ſuch a perſon cautioner: which ticket is not ſufficient of the law, to furniſh action againſt the ſaids cautioners, without production of the principall Bands given to the ſaid Meſſenger, receiver of the caution: which Band if any were taken, remaines in the hands of the Meſſenger, and is either loſſed by negligence, or abſented by malice, whereby the party is altogether prejudged of his action, which he had againſt the Cautioner, who was found for looſing of the arreſtment: For remedy whereof, our Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, ſtatutes and ordains, that all Bills and Supplications for looſing of arreſtments, which ſhall be paſt and delivered by the Lords of Councell in time coming, ſhall be paſt upon caution to be found in their Books, and ordaines the Clerk of the Bills to receive the ſaid caution before the giving out of the ſame, for raiſing of Letters thereupon: and if any arreſtments be otherwiſe looſed, the ſame to be null, and ineffectuall.

ACT XVIII.

Anent the keeping of Forreſts.

OUR Soveraigne Lord, conſidering that the Forreſts within this Realme, in the which Deer are kept, are altogether waſted and decayed, by Shiellings, paſtouring of Horſes, Mares, Cattell, Oxen, and other Beſtiall, cutting of Woods within the bounds of the ſaids Forreſts, ſhooting and ſlaying of Deer, Veniſon, and wilde Fowles, with Hagbuts, and with Dogs in forbidden time. And albeit there hath been divers and ſundry loveable Acts, Lawes, and Statutes made for puniſhing the tranſgreſſours of the ſame Acts, yet the ſame have not been put to due execution in time bygone. In reſpect the keepers of the ſaids Forreſts, under his Majeſty, and others having right thereto, by vertue of their Infeftments had no power nor juriſdiction to puniſh the ſaids tranſgreſſours. Therefore our Soveraigne Lord, with advice of the Eſtates of this Parliament, wills and ordains in all time coming, that the keepers of the ſaids Forreſts, and others, having right by their Infeftments, as ſaid is, ſhall have full power, priviledge, and juriſdiction, to call, conveene and purſue before them, whatſoever perſon or perſons, that ſhall be found hereafter to tranſgreſſe the ſaids Acts and Statutes, ſit, and hold Courts thereanent, and to put them to the tryall of an inqueſt: And being found guilty, to put the ſaids Acts to full execution in their contrair, after the forme and tenour thereof in all points: to wit, the ſlayers and ſhooters of Deer, Rae, and Wilde-Fowls, being landed men, under the pain of five hundreth marks; and every unlanded man, being reſponſible, under the paine of one hundreth marks: and if he be not reſponſible, under the pain of warding and puniſhment of his perſon, conforme to the former Acts made thereanent: and the owners and imputers of the goods and Beſtiall, within the ſaids Forreſts, and cutters of Wood, under the paines contained in the former Acts made thereanent, and conforme to the proviſion of the ſame Acts.

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ACT XIX.

Anent Doucats.

OUR Soveraigne Lord, with advice and consent of the Estates of this present Parliament, considering the great inconvenients sustained by the Lieges of this Realm through the frequent building of Doucats, by all manner of persons, in all the parts thereof, statutes, declares, and ordaines, that hereafter no person nor persons, shall have power, libertie, nor priviledge, to build a Doucat upon any Lands within this Realme, neither within Burgh, nor in the Countrey, except that person, builder of the Doucate, have lands and teinds pertaining to him, extending in yearly Rent to ten Chalders Victuall, next adjacent to the said Doucate, at the least lying within two miles to the same: And als declares, that it shall nowise be lawfull to the person foresaid, worth in yearly rent the foresaids ten Chalders Victuall, to build moe Doucates upon, and within the bounds foresaids, except one Doucat onely.

ACT XX.

Anent the punishment of Drunkards.

IT is statute and ordained, by our Soveraigne Lord, with advice and consent of the Estates of Parliament, for the restraint of the vile and detestable Vice of Drunkennesse daily increasing, to the high dishonour of GOD, and great harme of the whole Realme, That all persons, lawfully convict of Drunkennesse, or of haunting of Taverns and Ale-houses, after ten hours at night, or any time of the day, except in time of travell, or for ordinary refreshments, shall for the first fault pay three pounds, or incase of inability, or refusall, to be put in Jogges or Jayle for the space of six houres: for the second fault to pay five pounds, or incase of inability or refusall, to be kept in Stocks or Jayle, for the space of twelve houres: and for the third fault to pay ten pounds, or incase foresaid, to be kept in Stocks or Jayle, for the space of twenty foure houres: and thereafter, if they transgresse, to be committed to Jayle, till they find caution for their good behaviour in time comming. And for better execution of these presents, speciall power, authority, and commission is given, granted, and committed to all Sherifs, Stewards, Provests, and Bailies, Justices of Peace, and Kirk Sessions, within every Parish, to call, conveen and try the foresaids persons, unlawes to uplift, and *ad pios & necessarios usus*, in every Parish to apply, and all and sundry other things to do and exerce, which necessarily is required for execution of these presents.

ACT XXI.

Anent discharging of Caulpes.

OUR Soveraigne Lord, and Estates, understanding and considering the great hurt and skaith, which his Majesties Lieges have sustained these many years bygone, by the Chiefs and Clans within the Highlands and Isles of this Kingdome, by the unlawfull taking from them their Children and Executors, after their decease under the name of *Caulpes*, of their best aught, whether it be Oxe, Meat, Horse, or Cow, alledging their Predecessors to have been in possession thereof, for maintaining and defending of them against their enemies and evill-willers of old: And not only one of the saids Chiefes of Clans, will be content to uplift his *Caulpe*, but also three or four moe every one of them will alleadge better right then other: And every one of them after ane other, will uptake the same, untill foure or five severall *Caulpes* will be taken from one person, howbeit never ane of the saids Clans have right thereto, or to the lands which the persons occupies, wherefra the *Caulpes* are uplifted: And so severe are they, that every ane of them after ane other, will pull their Horses and Oxen out of their Plowes, and Harrows, in the very time of their greatest businesse and labours: so that many of his Majesties Subjects which of old were inriched with sufficient store of goods and bestiall, and thereby made his Highnes, and others having

right, thankfull payment of their mails, keans, and dueties, indebted by them yearly to his Majeſtie, and others, having right, are now, by the extortion of the ſaids Chiefs of Clans and others, claiming right to the ſaids *Caulpes*, and by unlawfull raiſing and uplifting thereof become depauperate, and unable to pay his Majeſty, and others having good right, their juſt dueties. And ſeeing there was an Act made heretofore, in favours of the inhabitants of Galloway, by his Highneſſe Predeceſſour, King JAMES the fourth, of worthy memory, in his ſecond Parliament, and eighteenth Act or Chapter thereof: Diſcharging the ſaids *Caulpes*, and uptaking thereof, in all time comming thereafter, under the pain of puniſhment, as Reaf, and to bee ane point of Dittay againſt them in the Juſtice Aire.

Therefore our ſaid Soveraigne Lord, with advice of the Eſtates of this preſent Parliament, Statutes and Ordaines, that in no time comming none of his Highnes Lieges preſume, nor take upon hand, to intromet with nor uplift, the ſaids *Caulpes*, within any part of this Kingdome under the pain foreſaid.

ACT XXII.

Anent the inbringing of Protocolles.

OUR Soveraigne Lord, underſtanding that that part of the Act of Parliament, made in July, 1587. years, Act xlv. Intituled, When, who, and how, Notars ſhould be admitted, and of their Cautioners, and Protocols, Whereby it was Statute and Ordained, that all Protocoll Books of Notars, ſhould be within fifteen dayes after the deceaſe of the Notar, brought in to *Edinburgh*, and delivered to the Clerk of Regiſter, or ane of his Deputes appointed by him for that effect, hath not been put to due execution in time bypaſt, wherethrough his Majeſties Lieges have ſuſtained great hurt and damnage: in ſo far as a great part of the Protocols, are vitiate and deſtroyed, by ryving out of the leaves forth of the ſaids Protocolls, inſerting and writing of falſe inſtruments upon the blank paper contained in the ſame Protocols: and ſiklike, by inſerting of ſheets and quaires of new-paper, whereupon inſtruments are falcified, by alteration of the dates of inſtruments, contained in the ſaids Protocolles and many otherwayes, as hath been divers times exactly tryed by the Lords of Counſell and Seſſion: and that the delaying of the execution of the ſaid Act, hath proceeded upon ane ordinance contained therein, of ſatisfaction to be given by the Clerk of Regiſter or his Deputes, to the relict, children, or executors of the ſaids Notars, for the ſaid Protocoll, whereby the Clerk of Regiſter or his Deputes, would be drawn to very great and intollerable charges, in regard of the great number of the ſaids Books.

Therefore, and for remedy thereof, Our Soveraigne Lord, with adviſe foreſaid, diſcharges that part of the ſaid Act of Parliament, anent any other ſatisfaction to be given to the relict, children, or executors of the Notars already deceaſed, or that ſhall happen to deceaſe, (except as is hereafter expreſſed) and Statutes and Ordaines, that all perſons alſwell relict, children, executors, of whatſoever Notar already departed, or other perſon or perſons whatſoever, havers in their hands, cuſtodie, and keeping of any Protocoll Book, of whatſoever Notar already deceaſed, as of Notars that ſhall happen to deceaſe at any time hereafter, ſhall after the deceaſe of the Notar, inbring the ſaids Protocolls to *Edinburgh*, and deliver the ſame to the Clerk of Regiſter, or his Deputes, to be appointed by him for that effect, under the paine of ane hundreth pounds to be incurred by them, who ſhall happen to bee found to contraveen, and thereafter the ſaids Notars Books to bee retained and kept by the ſaid Clerk of Regiſter, or his ſaid Depute, to bee appointed by him to that effect. At the deliverie and inbringing of which Protocolles, if the ſame ſhall bee inbrought by the ſaid relict or children, his Highnes with advice foreſaid, Ordaines the Clerk of Regiſter, or his Depute foreſaid, to make a note of the names of the ſaid relict and children of the defunct Notars, to the effect, that whenſoever any party ſhall purſue for tranſumpt of any inſtrument

inſtrument forth of the ſame, he ſhall be aſtricted hereby to ſummond by the party, having entreſſe, the relict and children of the defunct Notar, to the effect that the ſaids relict and children may be ſatiſfied by the party, craving the tranſumpt of the ſaid inſtrument, at the modification of the Lords of Councell and Seſſion. And his Highnes, with advice foreſaid, Declares, that this Act ſhall not be extended to the in-bringing of the Protocolles of the Clerks of any free Burgh Royall within this Realme, deceaſed already, or that ſhall happen to deceaſe hereafter: but the relict and children of the ſaid Clerks of free Burghs, ſhall be halden to deliver the ſaids Protocolles to the Proveſt and Baillies of the ſaids free Burghs, to remaine in the Regiſter of the ſaids free Burghs, and to be made forth-comming to all parties, having entreſſe, whenſoever they ſhall crave any inſtrument to bee tranſumed forth of the ſame, at any time hereafter.

ACT XXIII.

Act *Salvo jure cujuſlibet.*

FOraſmuch as in this preſent Seſſion of Parliament, there are Ratifications paſt, wherein divers and new clauſes are inſert, which may be prejudiciall to particular parties Rights, and derogative to many Lawes lawfully made and eſtabliſhed of before albeit the meaning of his Highnes be at this time, as it was ever in all preceding Parliaments: That by no particular Act, any other party ſhould be hurt or prejudged.

For remedie thereof, It is Statute and ordained, that no Ratification paſt in this preſent Seſſion of Parliament, ſhall be prejudiciall to any private parties Rights: but that the ſaids Ratifications be alwayes underſtood, whether they be generall or ſpeciall, to be *Salvo jure cujuſlibet.*

Ane Table of the particular Acts and others not imprinted, paſt in the XXII. Parliament, holden at *Edinburgh* the 28. *of* June, 1617.

1 A *Commiſſion for heritable Offices.*
2 *A Commiſſion for keeping of Juſtice Courts.*
3 *Act anent the Clangregour.*
4 *Act in favours of the Archbiſhop of* Saint-Andrewes.
5 *Act for a new aſſignation to the Caſtle of* Edinburgh, *out of his Majeſties propertie.*
6 *Annexation of* Fearne *to the Biſhoprick of* Roſſe.
7 *Annexation of* Corſreguale *and* Monimusk *to the Biſhoprick of* Dumblane.
8 *Annexation of* Icolmekill *and* Archattan *to the Biſhoprick of the* Iles.
9 *Act anent the Chapter of the Biſhop of the* Iles.
10 *Act anent the erection of the Kirk of* Ballintrae.
11 *Union of the Kirks of* Kilbride *and* Renfrew, *to the Colledge of* Glaſgow.
12 *Act for changing of the Kirk of* Strathgeth.
13 *Act for changing the Kirk of* Lawder.
14 *A Commiſſion anent barking of Hides.*
15 *Ratification in favours of the Duke of* Lennox.
16 *Ratification in favours of the Earle of* Dumfermling, *Lord Chancellour.*
17 *Ratification to the Earle of* Argyle.
18 *To the Earle of* Erroll.
19 *To the Earle of* Hume.
20 *Proteſtation made by the Lord* Roſſe.
21 *Act in favours of* Robert Maxwell.
22 *Proteſtations made by divers perſons anent the ſaid Act.*
23 *Act in favours of the Lord* Sanquhare.
24 *Two Ratifications in favours of the Lord* Binning.
25 *Ratification to the Lord* Blantire.
26 *To Sir* Gideon Murray *of divers his infeftments.*
27 *To Sir* Gideon Murray, William *and* Walter Murrayes *his ſons.*
28 *To Sir* Gideon Murray, *of the Proveſtrie of* Crichtoun,
29 *To the Lord* Colvill *of* Culros.
30 *To Sir* Andrew Hamilton.
31 *To Sir* Patrick Murray.
32 *To* John Murray *of* Lochmaben.
33 *To him and the Laird of* Lochinwar.
34 *To the old Colledge of* Aberdene.
35 *To the new Colledge of* Aberdene.
36 *To Sir* Henry Wardlaw.
37 *To him and* James Baillie.
38 *To Maſter* James Olyphant.
39 *To Maſter* Patrick Hamilton.
40 *To the town of* Aberdene.
41 *To Maſter* William Olyphant.

FINIS.